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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

Rapporteur: Mr. Abdulla Eid Salman **Al-Sulaiti** (Qatar)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session, under the item entitled "Human rights questions", the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item at its 37th to 55th, 57th, 58th and 61st meetings, from 10 to 14 and from 17 to 21, and on 24 and 26 November and 1 December 2003. At its 37th to 48th meetings, the Committee held a general discussion on sub-item 117 (b) jointly with sub-items (c) and (e). An account of the Committee's discussion is contained in the relevant summary records (A/C.3/58/SR.37-55, 57, 58 and 61).

3. For the documents before the Committee under this item, see A/58/508.

4. At its 37th meeting, on 10 November, the Committee heard an introductory statement by the Acting United Nations High Commissioner for Human Rights. The Committee engaged in a dialogue with the Acting High Commissioner in which the representatives of Switzerland, Liechtenstein, Italy, Pakistan, Tunisia, Japan, Cuba and Algeria took part (see A/C.3/58/SR.37).

* The report of the Committee on this item will be issued in six parts, under the symbol A/58/508 and Add.1-5.

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5. At its 38th meeting, on 10 November, the Committee heard introductory statements by the Special Representative of the Secretary-General for human rights in Cambodia and the Special Rapporteur on the human rights of migrants. An introductory statement by the Director of the New York Office of the United Nations High Commissioner for Human Rights was distributed to the Committee. The Committee engaged in a dialogue with the Special Representative of the Secretary-General, in which the representatives of Cambodia and Italy (on behalf of the States Members of the United Nations that are members of the European Union) took part. The Committee also engaged in a dialogue with the Special Rapporteur, in which the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union), Canada, Mexico and Burkina Faso took part (see A/C.3/58/SR.38).

6. At the 39th meeting, on 11 November, the Special Rapporteur on freedom of religion or belief made an introductory statement. The Committee then engaged in a dialogue with the Special Rapporteur, in which the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union), Pakistan, Switzerland, New Zealand, the Islamic Republic of Iran and China took part (see A/C.3/58/SR.39).

7. Also at the same meeting, the Special Representative of the Secretary-General on internally displaced persons made an introductory statement (see A/C.3/58/SR.39).

8. At the 40th meeting, on 11 November, the Special Representative of the Secretary-General on internally displaced persons responded to points raised during the dialogue conducted at the previous meeting (see A/C.3/58/SR.40).

9. At the same meeting, the Special Rapporteur on the right to food made an introductory statement. The Committee then engaged in a dialogue with the Special Rapporteur in which the representatives of Italy, Israel, Egypt, Liechtenstein, Tunisia, Canada and the United States of America, as well as the observer for Palestine, took part (see A/C.3/58/SR.40).

II. Consideration of proposals

A. Draft resolution A/C.3/58/L.30/Rev.1 and Rev.2 and amendments contained in documents A/C.3/58/L.59 and L.81

10. At the 42nd meeting, on 12 November, the representative of Israel introduced a draft resolution entitled "Situation of and assistance to Israeli children" (A/C.3/58/L.30/Rev.1), which read:

"*The General Assembly*,

"*Recalling* the Convention on the Rights of the Child and the Universal Declaration of Human Rights,

"*Recalling also* the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,

"*Recalling further* the Declaration and Plan of Action adopted by the General Assembly at its twenty-seventh special session,

"*Emphasizing* the importance of the safety and well-being of all children in the whole Middle East region,

"*Concerned* that Israeli children suffering from the effects of terrorism are deprived of many basic rights under the Convention,

"*Concerned also* about the continuous grave threat to Israeli children from terrorism, and about the severe consequences of continuing terrorist attacks by terrorist groups such as Hamas, Islamic Jihad and the Al Aqsa Martyrs' Brigade directed against Israeli civilians, including children,

"*Expressing its condemnation* of all acts of violence and incitement to violence and terrorism, resulting in extensive loss of human life and injuries, including among Israeli children,

"*Deeply concerned* about the severe consequences, including psychological consequences, of terrorist attacks on the present and future well-being of Israeli children,

"1. *Stresses* the urgent need for Israeli children to live a normal life free from terrorism, destruction and fear;

"2. *Demands* that the Palestinian Authority respect its obligations to undertake effective operations aimed at confronting all those engaged in terror and the dismantlement of terrorist capabilities and infrastructure and to guarantee that those responsible for terrorist acts are brought to justice."

11. At its 49th meeting, on 18 November, the Committee had before it a revised draft resolution (A/C.3/58/L.30/Rev.2) submitted by the sponsor of draft resolution A/C.3/58/L.30/Rev.1, in which the sixth preambular paragraph had been revised to read:

"*Concerned also* about the continuous grave threat to Israeli children from terrorism and about the severe consequences of continuing terrorist attacks directed against Israeli civilians, including children".

12. At the 50th meeting, on 19 November, the representative of Egypt, subsequently joined by Indonesia, introduced amendments (A/C.3/58/L.59) to draft resolution A/C.3/58/L.30/Rev.1, by which:

(a) The title of the draft resolution would be revised to read "The situation of and assistance to children in the Middle East Region";

(b) The fifth, sixth, seventh and eighth preambular paragraphs would be replaced by the following text:

"*Concerned* that Middle East children suffering from the effects of occupation, violence and terrorism are deprived of many basic rights under the Convention,

"*Emphasizing* that foreign occupation, violations of international law, including international humanitarian law, and violations of instruments relevant to the well-being of the child, as well as deprivation, hostility and

confrontation, are the main sources of the suffering and hardship of children in the whole Middle East region,

"*Expressing its condemnation* of all acts of violence, military assaults, excessive use of force and incitement of violence and terrorism, resulting in extensive loss of human life and injuries, including among children,

"*Affirming* the obligations of Israel, the occupying Power, under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949";

(c) Operative paragraphs 1 and 2 would be replaced by the following text:

"1. *Stresses* the urgent need for Middle East children to live a normal life free from occupation, deprivation, terrorism, destruction and fear;

"2. *Expresses its support* for all efforts to achieve a just and comprehensive peace in the Middle East and to ensure peace and prosperity for the peoples of the region, including children".

13. At the 54th meeting, on 21 November, the representative of Egypt, on behalf of Bahrain, Brunei Darussalam, Egypt, Indonesia, Malaysia, Saudi Arabia, Senegal, South Africa, the Sudan, the United Arab Emirates and Yemen, introduced amendments (A/C.3/58/L.81) to draft resolution (A/C.3/58/L.30/Rev.2, by which:

(a) The title of the draft resolution would be revised to read "The situation of and assistance to children in the Middle East region";

(b) The fifth preambular paragraph would be replaced by:

"*Concerned* that Middle East children suffering from the effects of occupation, violence and terrorism are deprived of many basic rights under the Convention";

(c) After the fifth preambular paragraph, a new paragraph would be added, reading:

"*Emphasizing* that foreign occupation, violations of international law, including international humanitarian law, violations of instruments relevant to the well-being of the child, and deprivation, hostility and confrontation are the main sources of the suffering and hardship of children in the whole Middle East region";

(d) The seventh and eighth preambular paragraphs would be replaced by the following text:

"*Expressing its condemnation* of all acts of violence, military assaults, excessive use of force and incitement to violence and terrorism, resulting in extensive loss of human life and injuries, including among children,

"*Affirming* the obligations of Israel, the occupying Power, under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949";

(e) Operative paragraphs 1 and 2 would be replaced by:

"1. *Stresses* the urgent need for Middle East children to live a normal life free from occupation, deprivation, terrorism, destruction and fear,

"2. *Expresses its support* for all efforts to achieve a just and comprehensive peace in the Middle East and to ensure peace and prosperity for the peoples of the region, including children".

14. At the same meeting, the representative of Egypt withdrew document A/C.3/58/L.59 (see A/C.3/58/SR.54).

15. At the 58th meeting, on 26 November, the representative of Israel made a statement, in the course of which he withdrew draft resolution A/C.3/58/L.30/Rev.2.

16. In the light of the statement made by the representative of Israel, no action was taken on the amendments contained in document A/C.3/58/L.81.

17. At the same meeting, statements were made by the representatives of Egypt and the United States of America (see A/C.3/58/SR.58).

B. Draft resolution A/C.3/58/L.46

18. At the 48th meeting, on 17 November, the representative of the Islamic Republic of Iran, on behalf of Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Burkina Faso, Cambodia, Cameroon, China, the Congo, Cuba, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, India, Indonesia, the Islamic Republic of Iran, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, the Sudan, Suriname, the Syrian Arab Republic, Thailand, the United Arab Emirates and Viet Nam, introduced a draft resolution entitled "Human rights and cultural diversity" (A/C.3/58/L.46). Subsequently, Kazakhstan, Kenya, the Niger, Nigeria, Turkmenistan and the United Republic of Tanzania joined in sponsoring the draft resolution.

19. In introducing the draft resolution, the representative of the Islamic Republic of Iran orally revised it as follows:

(a) In the second preambular paragraph, the words "and 57/204 of 18 December 2003" were inserted after the words "55/91 of 4 December 2000";

(b) Operative paragraph 4, which read:

"4. *Recognizes* also that the preservation and promotion of cultural diversity constitute an important contribution to sustainable development, peaceful coexistence and dialogue between cultures"

was deleted and the remaining paragraphs were renumbered.

20. At its 49th meeting, on 18 November, the Committee adopted draft resolution A/C.3/58/L.46, as orally revised, without a vote (see para. 131, draft resolution I).

21. Before the adoption of the draft resolution, a statement was made by the representative of Chile; after the adoption of the draft resolution, the representative of Switzerland made a statement (also on behalf of Australia, Canada, Liechtenstein, New Zealand and Norway) (see A/C.3/58/SR.49).

C. Draft resolution A/C.3/58/L.47

22. At the 48th meeting, on 17 November, the representative of Cuba, on behalf of Algeria, Angola, Bangladesh, Benin, Burkina Faso, Burundi, Cambodia, Cameroon, China, Colombia, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Haiti, Indonesia, the Islamic Republic of Iran, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mozambique, Myanmar, Namibia, Nigeria, Pakistan, Peru, Qatar, Saint Vincent and the Grenadines, South Africa, the Sudan, Suriname, the Syrian Arab Republic, Tunisia, Turkmenistan, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity" (A/C.3/58/L.47). Subsequently, Botswana, Malawi, Mauritius and Swaziland joined in sponsoring the draft resolution.

23. At its 50th meeting, on 19 November, the Committee adopted draft resolution A/C.3/58/L.47 without a vote (see para. 131, draft resolution II).

24. After the adoption of the draft resolution, statements were made by the representatives of Switzerland (also on behalf of Australia, Canada, Liechtenstein, New Zealand and Norway) and Cuba (see A/C.3/58/SR.50).

D. Draft resolution A/C.3/58/L.49

25. At the 49th meeting, on 18 November, the representative of Canada, on behalf of Argentina, Australia, Austria, Belgium, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, the Netherlands, New Zealand, Norway, the Philippines, Poland, the Republic of Korea, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Human rights and mass exoduses" (A/C.3/58/L.49). Subsequently, Albania, Bulgaria, Croatia, Estonia, Iceland, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia and the United States of America joined in sponsoring the draft resolution.

26. In introducing the draft resolution, the representative of Canada orally corrected it, and revised the third preambular paragraph, by deleting the words "including its resolution 57/187 of 18 December 2002" at the end of the paragraph.

27. At the 55th meeting, on 24 November, the representative of Canada orally revised the fifth preambular paragraph of the draft resolution by replacing the words "insecurity in refugee camps" by the words "refugee camp security".

28. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.49, as orally corrected and revised, without a vote (see para. 131, draft resolution III).

E. Draft resolution A/C.3/58/L.50

29. At the 51st meeting, on 19 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Non-Aligned Movement and China, introduced a draft resolution entitled "Enhancement of international cooperation in the field of human rights" (A/C.3/58/L.50).

30. At its 53rd meeting, on 20 November, the Committee adopted draft resolution A/C.3/58/L.50 without a vote (see para. 131, draft resolution IV).

31. Before the adoption of the draft resolution, the representative of Malaysia made a statement on behalf of the members of the Non-Aligned Movement (see A/C.3/58/SR.53).

F. Draft resolution A/C.3/58/L.51

32. At the 51st meeting, on 19 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China, introduced a draft resolution entitled "Human rights and unilateral coercive measures" (A/C.3/58/L.51).

33. At its 53rd meeting, on 20 November, the Committee adopted draft resolution, A/C.3/58/L.51 by a recorded vote of 118 to 50, with 1 abstention (see para. 131, draft resolution V). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland,

Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Georgia.

34. After the adoption of the draft resolution, the representative of Australia, on behalf also of Liechtenstein, New Zealand and Switzerland, made a statement (see A/C.3/58/SR.53).

G. Draft resolution A/C.3/58/L.52

35. At the 51st meeting, on 19 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Non-Aligned Movement and China, introduced a draft resolution entitled "The right to development" (A/C.3/58/L.52).

36. At the 57th meeting, on 26 November, the representative of Malaysia orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, the words "all human rights" were replaced by the words "fundamental human rights";

(b) In the tenth preambular paragraph, the words "Final Document of the" were deleted before the words "Thirteenth Conference", and the words "Non-Aligned Countries" were replaced by the words "Non-Aligned Movement";

(c) A new paragraph (using the text of operative paragraph 1 bis) was inserted before the eleventh preambular paragraph, reading:

"*Recognizing* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries";

(d) In the thirteenth preambular paragraph (former twelfth), the words "multifaceted approach" were replaced by the words "multifaceted and integrated approach";

(e) Operative paragraph 2, which read:

"2. *Regrets* that the fourth session of the Working Group did not reach a conclusion, and encourages it, at its fifth session, to work more effectively in fulfilling its mandate",

was replaced by the following text:

"2. *Requests* the Working Group at its fifth session to revisit and build upon the agreed conclusions of its third session in order to constructively and effectively fulfil its mandate, bearing in mind that the Working Group did not reach a conclusion at its fourth session";

(f) Operative paragraph 3, which read:

"3. *Stresses* the importance of the core principles that underpin the purpose of international human rights instruments, such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the international level",

was replaced by the following text:

"3. *Stresses* the importance of the core principles contained in the agreed conclusions of the third session of the Working Group, congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the international level, and underlines the importance of the principles of equity and transparency";

(g) In operative paragraph 9, the words "at the international level" were replaced by the words "at the international and national levels" and the words "to undertake the necessary policy formulation and" were deleted before the words "to institute the measures";

(h) Operative paragraph 14 became the eleventh preambular paragraph, and the remaining paragraphs were renumbered accordingly;

(i) In operative paragraph 15 (former paragraph 16), the words "in particular in relation to agricultural trade and other" were replaced by the words "including in" before the words "areas under negotiation";

(j) In operative paragraph 21 (former paragraph 22), the words "and additional" were inserted before the word "measures";

(k) Operative paragraph 23 (former paragraph 24), which read:

"23. *Emphasizes* the urgent need for taking concrete measures, including the repatriation of illegally acquired assets and funds to the countries of origin, to fight against all forms of corruption at the national and international levels, and stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention against Corruption as soon as possible",

was replaced by:

"23. *Emphasizes* the urgent need for taking concrete measures to fight against all forms of corruption at the national and international levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention against Corruption as soon as possible";

(l) In operative paragraph 24 (former paragraph 25), after the word "feasibility" the words "inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development,

as well as issues that any such instrument might address, and the determination by the Commission of the feasibility of those options" were deleted;

(m) In operative paragraph 26 (former paragraph 27), the words "including in particular ensuring the meaningful participation" were replaced by the words "and to ensure also the meaningful participation";

(n) Operative paragraph 27 (former paragraph 28), which read:

"27. *Stresses* the need for mainstreaming the right to development in the operational programmes and objectives of the United Nations agencies, funds, programmes and specialized agencies and in the policies and objectives of the international financial and multilateral trading systems",

was replaced by the following text:

"27. *Calls upon* the United Nations agencies, funds and programmes as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives";

(o) In operative paragraph 29 (former paragraph 30), the words "an interim report" were added before the words "to the Commission".

37. Also at its 57th meeting, the Committee adopted draft resolution A/C.3/58/L.52, as orally revised, by a recorded vote of 158 to 2, with 6 abstentions (see para. 131, draft resolution VI). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of

Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada, Georgia, Japan, Republic of Moldova, Sweden.

38. Before the adoption of the draft resolution, statements were made by the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union and its acceding countries), Japan and the United States of America; the representative of Australia made a statement after the adoption of the draft resolution (see A/C.3/58/SR.57).

H. Draft resolution A/C.3/58/L.53

39. At the 51st meeting, on 19 November, the representative of Brazil, on behalf of Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bolivia, Brazil, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, the Dominican Republic, Ecuador, El Salvador, France, Germany, Guatemala, Lithuania, Mali, Mexico, Mozambique, Norway, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Senegal, South Africa, Swaziland, Thailand, Timor-Leste, Togo, the United Republic of Tanzania, Uruguay and Zambia, introduced a draft resolution entitled "The right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (A/C.3/58/L.53). Subsequently, Afghanistan, Austria, Finland, Greece, Honduras, Ireland, Italy, Kenya, Liechtenstein, the Niger, Nigeria, Portugal, Sierra Leone and Switzerland joined in sponsoring the draft resolution.

40. In introducing the draft resolution, the representative of Brazil orally revised it as follows:

(a) The seventh preambular paragraph, which read:

"*Noting also* general recommendation 24 on women and health (article 12 of the Convention on the Elimination of All Forms of Discrimination against Women) adopted by the Committee on the Elimination of Discrimination against Women at its twentieth session", was deleted;

(b) The seventeenth preambular paragraph, which read:

"*Recalling* the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health, adopted at the Fourth Ministerial Conference of the World Trade Organization, held in Doha from 9 to 14 November 2001, and welcoming the decision of the General Council of the World Trade Organization of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health",

was replaced by:

"*Recalling* the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health adopted at the Fourth World Trade Organization Ministerial Conference, held in Doha in

November 2001, and welcoming the World Trade Organization General Council decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health";

(c) In operative paragraph 16, the words "in its resolution 2003/28" were deleted after the words "Special Rapporteur".

41. At the 53rd meeting, on 20 November, the Secretary of the Committee read out a statement by the Director of the Programme Planning and Budget Division in connection with the draft resolution (see A/C.3/58/SR.53).

42. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.53, as orally revised by a recorded vote of 166 to 1, with 5 abstentions (see para. 131, draft resolution VII). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Australia, Czech Republic, Jordan, Sweden, United Kingdom of Great Britain and Northern Ireland.

43. Before the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Egypt, the United Kingdom of Great Britain

and Northern Ireland (also on behalf of Sweden) and the United States of America; after the vote, the representative of the Czech Republic made a statement in explanation of vote (see A/C.3/58/SR.53).

I. Draft resolution A/C.3/58/L.54

44. At the 50th meeting, on 19 November, the representative of Algeria, on behalf of Algeria, Azerbaijan, Belarus, Bhutan, Cameroon, China, Colombia, Cuba, the Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, India, Indonesia, Kazakhstan, Kenya, Mauritania, Nigeria, Peru, the Philippines, Qatar, the Russian Federation, Saudi Arabia, Senegal, the Sudan, Swaziland, Togo, Turkey, the United Republic of Tanzania, Venezuela, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Human rights and terrorism" (A/C.3/58/L.54). Subsequently, Eritrea, Kyrgyzstan, Madagascar, Nepal, Pakistan, Sri Lanka, Tajikistan and Tunisia joined in sponsoring the draft resolution.

45. At its 53rd meeting, on 20 November, the Committee adopted draft resolution A/C.3/58/L.54 by a recorded vote of 111 to 39, with 17 abstentions (see para. 131, draft resolution VIII). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Serbia and Montenegro, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Argentina, Armenia, Bolivia, Brazil, Chile, Cyprus, Fiji, Israel, Japan, Nauru, New Zealand, Papua New Guinea, Republic of Moldova, San Marino, Spain, Syrian Arab Republic.

46. Before the adoption of the draft resolution, statements were made by the representatives of the Russian Federation and the United States of America; after the vote, statements were made by the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union and its acceding countries), the Syrian Arab Republic, Spain and Romania (see A/C.3/58/SR.53).

47. At the same meeting, the representatives of Lebanon and Turkey made statements (see A/C.3/58/SR.53).

J. Draft resolution A/C.3/58/L.55

48. At the 50th meeting, on 19 November, the representative of India, on behalf of Afghanistan, Argentina, Australia, Bangladesh, Benin, Bhutan, Bolivia, Cameroon, Canada, Chile, Colombia, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Ecuador, Ethiopia, France, Germany, Greece, Honduras, India, Indonesia, Ireland, Italy, Japan, Madagascar, Malawi, Malaysia, Mauritius, Mexico, Mongolia, Morocco, New Zealand, Nigeria, Norway, Panama, the Philippines, the Republic of Korea, Romania, Senegal, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Thailand, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Venezuela and Zambia, introduced and orally corrected a draft resolution entitled "National institutions for the promotion and protection of human rights" (A/C.3/58/L.55). Subsequently, Albania, Armenia, Belarus, Brazil, the Congo, Côte d'Ivoire, Fiji, Finland, the Gambia, Ghana, Guyana, Haiti, Hungary, Kenya, Malta, Nepal, the Niger, Peru, the Republic of Moldova, Portugal, the Russian Federation, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and the United States of America joined in sponsoring the draft resolution.

49. At its 53rd meeting, on 20 November, the Committee adopted draft resolution A/C.3/58/L.55, as orally corrected, without a vote (see para. 131, draft resolution IX).

K. Draft resolution A/C.3/58/L.56

50. At the 51st meeting, on 19 November, the representative of Cameroon, on behalf of Angola, Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe, introduced a draft resolution entitled "Subregional Centre for Human Rights and Democracy in Central Africa" (A/C.3/58/L.56). Subsequently, Benin and the Niger joined in sponsoring the draft resolution.

51. At the 53rd meeting, on 20 November, the representative of Cameroon made a statement (see A/C.3/58/SR.53).

52. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.56 without a vote (see para. 131, draft resolution X).

L. Draft resolution A/C.3/58/L.57

53. At the 51st meeting, on 19 November, the representative of Norway, on behalf of Afghanistan, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Canada, Chile, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Mali, Mexico, Monaco, Mozambique, the Netherlands, Norway, Papua New Guinea, Poland, Portugal, the Republic of Korea, the Republic of Moldova, San Marino, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced and orally corrected a draft resolution, entitled "Protection of and assistance to internally displaced persons" (A/C.3/58/L.57). Subsequently, Albania, Bolivia, Brazil, Bulgaria, Costa Rica, Côte d'Ivoire, Ecuador, Japan, Lithuania, Malta, Micronesia (Federated States of), the Niger, Panama and Thailand joined in sponsoring the draft resolution.

54. At the 54th meeting, on 21 November, the Secretary of the Committee read out a statement by the Director of the Programme Planning and Budget Division in connection with the draft resolution (see A/C.3/58/SR.54).

55. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.57, as orally corrected, without a vote (see para. 131, draft resolution XI).

M. Draft resolution A/C.3/58/L.58

56. At the 50th meeting, on 19 November, the representative of Norway, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, the Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela, introduced a draft resolution entitled "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (A/C.3/58/L.58). Subsequently, Albania, Armenia, Benin, Bolivia, Bulgaria, Ecuador, Honduras, Mauritius, Micronesia (Federated States of), Morocco, the Niger, Romania and the United States of America joined in sponsoring the draft resolution.

57. At the 53rd meeting, on 20 November, the Secretary of the Committee read out a statement by the Director of the Programme Planning and Budget Division in connection with the draft resolution (see A/C.3/58/SR.53).

58. At the same meeting, the representative of Norway orally revised the draft resolution, as follows:

(a) In the seventh preambular paragraph, the words "particular consequences" were replaced by the words "severe consequences";

(b) In the ninth preambular paragraph, at the end of the paragraph, the words "and in promoting, strengthening and preserving democracy" were added;

(c) A new twelfth preambular paragraph was added, reading:

"*Acknowledging* the significant work conducted by the Special Representative of the Secretary-General during the first three years of her mandate";

(d) In operative paragraph 6, the word "under" was inserted before the words "international human rights law".

59. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.58, as orally revised, without a vote (see para. 131, draft resolution XII).

60. After the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic and Cuba (see A/C.3/58/SR.53).

N. Draft resolution A/C.3/58/L.60

61. At the 50th meeting, on 19 November, the representative of Brazil, on behalf of Angola, Antigua and Barbuda, Argentina, Barbados, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Ghana, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Lesotho, Lithuania, Mali, Mexico, Mozambique, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Senegal, South Africa, Thailand, Timor-Leste, Togo and Uruguay, introduced a draft resolution entitled "Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria" (A/C.3/58/L.60). Subsequently, Algeria, Austria, Belgium, Benin, Bolivia, the Congo, the Democratic Republic of the Congo, Djibouti, Ethiopia, Fiji, Gabon, Grenada, Indonesia, Ireland, Jamaica, Kenya, Luxembourg, Madagascar, Malawi, Mauritania, Mauritius, Monaco, Morocco, Namibia, Nicaragua, the Niger, Nigeria, the Philippines, Portugal, Rwanda, Saint Lucia, Sierra Leone, Somalia, Swaziland, Trinidad and Tobago, Tunisia, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe joined in sponsoring the draft resolution.

62. In introducing the draft resolution, the representative of Brazil orally revised it as follows:

(a) In the fifth preambular paragraph, the words "on progress towards the implementation of the Declaration" were deleted after the words "report of the Secretary-General";

(b) In the sixth preambular paragraph, after the words "Commitment on HIV/AIDS, the words "Global Crisis — Global Action" were added;

(c) In the eighth preambular paragraph, the word "both" was inserted before the words "of 18 May";

(d) The nineteenth preambular paragraph, which read:

"*Recalling* the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health, adopted by the Fourth Ministerial Conference of the World Trade Organization in Doha on 14 November 2001, and welcoming the decision of the General Council of the World Trade Organization of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration",

was replaced by:

"*Recalling* the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health, adopted by the Fourth World Trade Organization Ministerial Conference in Doha in November 2001, and welcoming the World Trade Organization General Council decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS agreement and Public Health".

63. At the 53rd meeting, on 20 November, the representative of Brazil further orally corrected the draft resolution, as follows:

(a) In the thirteenth preambular paragraph, the word "causes" was replaced by the word "is";

(b) In the sixteenth preambular paragraph, the words "World Health Organization report of 2003 on global tuberculosis control" were replaced by the words "World Health Organization global tuberculosis control report of 2003".

64. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.60, as orally revised and corrected, by a recorded vote of 167 to 1 (see para. 131, draft resolution XIII). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic,

Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

65. The representative of the United States of America made a statement before the vote (see A/C.3/58/SR.53).

O. Draft resolution A/C.3/58/L.61

66. At the 51st meeting, on 19 November, the representative of the United States of America on behalf of Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Mexico, Micronesia (Federated States of), Monaco, the Netherlands, Nicaragua, Norway, Poland, Portugal, the Republic of Korea, Saint Vincent and the Grenadines, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Thailand, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela, introduced and orally corrected a draft resolution entitled "Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization" (A/C.3/58/L.61). Subsequently, Afghanistan, Albania, Andorra, Azerbaijan, Bolivia, Bosnia and Herzegovina, Brazil, Cambodia, Cape Verde, Colombia, the Czech Republic, the Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Georgia, Ghana, Guatemala, Honduras, Iceland, India, Kazakhstan, Kenya, Latvia, Lithuania, Madagascar, Mali, Malta, the Marshall Islands, Nauru, New Zealand, Palau, Panama, the Republic of Moldova, Romania, the Russian Federation, Rwanda, Serbia and Montenegro, Sierra Leone, South Africa, Switzerland, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania joined in sponsoring the draft resolution, as orally revised and corrected.

67. In introducing the draft resolution, the representative of the United States of America orally revised it as follows:

(a) In the fourth preambular paragraph, the words "shall be" before the words "held by secret vote" were deleted;

(b) In the fifth preambular paragraph, the words "*Taking note with interest* of" were replaced by the words "*Noting with interest*";

(c) In operative paragraph 4, the words "conditions exist to allow free and fair elections" were replaced by the words "conditions exist to allow a free and fair election".

68. At the 57th meeting, on 26 November, the representative of the United States of America further orally revised the draft resolution by inserting in operative

paragraph 6 the words "and encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in the reporting they make on electoral processes", after the words "requests for electoral assistance".

69. Also at the same meeting, the Committee adopted draft resolution A/C.3/58/L.61, as orally revised and corrected, by a recorded vote of 156 to none, with 7 abstentions (see para. 131, draft resolution XIV). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Brunei Darussalam, China, Cuba, Libyan Arab Jamahiriya, Myanmar, Syrian Arab Republic, Viet Nam.

70. Before the vote, a statement in explanation of vote was made by the representative of Cuba; after the vote, statements were made by the representatives of Egypt and Nigeria (see A/C.3/58/SR.57).

P. Draft resolution A/C.3/58/L.62

71. At the 50th meeting, on 19 November, the representative of Australia, on behalf of Andorra, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Canada,

Cambodia, Chile, Colombia, the Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, India, Ireland, Italy, Japan, Jordan, Kazakhstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Mexico, Monaco, Mongolia, Mozambique, Namibia, the Netherlands, New Zealand, Nigeria, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, introduced a draft resolution entitled "United Nations Decade for Human Rights Education, 1995-2004" (A/C.3/58/L.62). Subsequently, Albania, Algeria, Angola, Armenia, Benin, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Côte d'Ivoire, El Salvador, Ethiopia, Fiji, the Gambia, Ghana, Israel, Kenya, Malta, Madagascar, Mauritius, Micronesia (Federated States of), Morocco, Mozambique, Nauru, Nepal, Nicaragua, Panama, the Philippines, Romania, the Russian Federation, Sierra Leone, Swaziland, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, the United States of America, the United Republic of Tanzania and Zambia joined in sponsoring the draft resolution.

72. At the 57th meeting, on 26 November, the representative of Australia orally revised operative paragraph 1 by deleting the words "and public information activities in the field of human rights" at the end of the paragraph.

73. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.62, as orally revised, without a vote (see para. 131, draft resolution XV).

Q. Draft resolution A/C.3/58/L.63

74. At the 52nd meeting, on 20 November, the representative of Austria, on behalf of Andorra, Argentina, Armenia, Australia, Austria, Belarus, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Eritrea, Ethiopia, Finland, Georgia, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Mauritius, Monaco, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Suriname, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" (A/C.3/58/L.63). Subsequently, Bolivia, Brazil, El Salvador, Lithuania, Malta, Panama, Peru, Rwanda, Serbia and Montenegro, South Africa, the Sudan, Thailand and the former Yugoslav Republic of Macedonia joined in sponsoring the draft resolution.

75. In introducing the draft resolution, the representative of Austria orally revised it as follows:

(a) The fifth preambular paragraph, which read:

"*Emphasizing* the role that national institutions can play as early-warning mechanisms for the prevention of conflicts involving minority issues",

was replaced by:

"*Emphasizing* the role that national institutions can play in early warning for problems regarding minority situations";

(b) Operative paragraph 15, which read:

"*Calls upon* the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to implement its mandate with the involvement of a wide range of participants and to recommend, on the basis of its findings, appropriate measures for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities",

was replaced by :

"15. *Calls upon* the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to implement fully its mandate with the involvement of a wide range of participants, inter alia, by recommending, on the basis of its findings, further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities".

76. At its 54th meeting, on 21 November, the Committee adopted draft resolution A/C.3/58/L.63, as orally revised, without a vote (see para. 131, draft resolution XVI).

R. Draft resolution A/C.3/58/L.64

77. At the 52nd meeting, on 20 November, the representative of Austria, on behalf of Andorra, Angola, Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Human rights in the administration of justice" (A/C.3/58/L.64). Subsequently, Albania, Armenia, Bolivia, Brazil, Ecuador, Estonia, Guatemala, Kenya, Malta, Panama, Paraguay, the Philippines, Romania, Serbia and Montenegro and Thailand, joined in sponsoring the draft resolution.

78. In introducing the draft resolution, the representative of Austria orally revised it as follows:

(a) Operative paragraph 3, which read:

"3. *Calls upon* States to review their national legislation to ensure that any national security, State security, counter-terrorism or similar laws are compatible with the provisions of international humanitarian law and applicable international human rights instruments",

was replaced by:

"3. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law";

(b) In operative paragraph 9, the words "in particular in post-conflict situations" were deleted at the end of the paragraph;

(c) Operative paragraph 15, which read:

"15. *Takes note with interest* of the decision of the Subcommission on the Promotion and Protection of Human Rights to prepare a working paper on women in prison, including issues relating to the children of women in prison (decision 2003/104),[1] and invites Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to this phenomenon with a view to identifying the key issues and ways in which they are addressed",

was replaced by:

"15. *Invites* Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and ways in which they can be addressed, and notes the proposal of the Subcommission on the Promotion and Protection of Human Rights (decision 2003/104) to prepare a working paper on this question".

79. At the 54th meeting, on 21 November, the representative of Austria made a statement (see A/C.3/58/SR.54).

80. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.64, as orally revised, without a vote (see para. 131, draft resolution XVII).

81. After the adoption of the draft resolution, statements were made by the representatives of the United States of America, India, Turkey and Austria (see A/C.3/58/SR.54).

S. Draft resolution A/C.3/58/L.65

82. At the 52nd meeting, on 20 November, the representative of Ireland, on behalf of Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Dominica, the Dominican Republic, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Italy, Japan, Kazakhstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mauritius, Monaco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, the Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela and Zambia, introduced a draft resolution entitled "Elimination of all forms of religious intolerance" (A/C.3/58/L.65).

Subsequently, Albania, Bolivia, Brazil, Côte d'Ivoire, Ecuador, El Salvador, Georgia, Ghana, the Niger, Panama, the Republic of Moldova, Rwanda, Swaziland and Zimbabwe joined in sponsoring the draft resolution.

83. At the 54th meeting, on 21 November, the Secretary of the Committee read out a statement regarding financial provisions relating to the draft resolution (see A/C.3/58/SR.54).

84. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.65 without a vote (see para. 131, draft resolution XVIII).

T. Draft resolution A/C.3/58/L.66

85. At the 52nd meeting, on 20 November, the representative of the Netherlands, on behalf of Albania, Australia, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Dominica, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "In-depth study on all forms of violence against women" (A/C.3/58/L.66). Subsequently, Andorra, Armenia, Austria, Bolivia, Bosnia and Herzegovina, the Congo, the Dominican Republic, Ecuador, Japan, Malta, Mongolia, Nicaragua, Nigeria, Panama, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Serbia and Montenegro, Thailand, the former Yugoslav Republic of Macedonia, the United Republic of Tanzania, the United States of America and Uruguay joined in sponsoring the draft resolution.

86. At the 55th meeting, on 24 November, the representative of the Netherlands orally revised the draft resolution as follows:

(a) The first part of operative paragraph (a), which read:

"To conduct an in-depth study, through voluntary contributions, on all forms and manifestations of violence against women, including those outlined in the present resolution and relevant documents, disaggregated by type of violence, and based on existing research undertaken and data collected at the national, regional and international levels, in particular in the following fields",

was replaced by:

"To conduct an in-depth study, from existing available resources and, if necessary, supplemented by voluntary contributions, on all forms and manifestations of violence against women, as identified in the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women and the outcome of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", including those outlined in the present resolution and relevant documents, disaggregated by type of violence, and based on existing research undertaken and data collected at the national, regional and international levels, in particular in the following fields:";

(b) In operative paragraph (a) (i), the words "various forms of violence against women" were replaced by the words "all forms of violence against women";

(c) Operative paragraph (d), which read:

"To make the study available to all United Nations stakeholders and, on the basis of the study, to submit a report to the General Assembly at its sixtieth session, including action-oriented recommendations for consideration by States, encompassing, inter alia, effective remedies and prevention and rehabilitation measures",

was replaced by:

"To make the study available to all Member States and observers, as well as other United Nations stakeholders and, on the basis of the study, to submit a report, with the study as an annex, to the General Assembly at its sixtieth session, under the item entitled "Advancement of women", including action-oriented recommendations, for consideration by States, encompassing, inter alia, effective remedies and prevention and rehabilitation measures";

(d) In operative paragraph (e), the words " under the item entitled "Advancement of women" were added at the end of the paragraph.

87. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.66, as orally revised, without a vote (see para. 131, draft resolution XIX).

U. Draft resolution A/C.3/58/L.70

88. At the 52nd meeting, on 20 November, the representative of Cuba, on behalf of Algeria, Andorra, Angola, Antigua and Barbuda, Azerbaijan, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, the Central African Republic, China, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, France, the Gambia, Germany, Ghana, Greece, Guinea-Bissau, Haiti, Honduras, Iceland, India, Indonesia, the Islamic Republic of Iran, Japan, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mexico, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, the Philippines, Portugal, Qatar, the Russian Federation, Rwanda, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, South Africa, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, the United Republic of Tanzania, Venezuela, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "The right to food" (A/C.3/58/L.70). Subsequently, Austria, Bosnia and Herzegovina, the Comoros, Ireland, Italy, Lesotho, Liechtenstein, Mauritania, Mauritius, the Niger, Saint Vincent and the Grenadines, Slovenia, Somalia, Switzerland, the former Yugoslav Republic of Macedonia, Turkmenistan and Uganda joined in sponsoring the draft resolution.

89. At its 55th meeting, on 24 November, the Committee adopted draft resolution A/C.3/58/L.70 by a recorded vote of 156 to 1, with 2 abstentions (see para. 131, draft resolution XX). The voting was as follows:[1]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Fiji, Israel.

90. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/58/SR.55).

V. Draft resolution A/C.3/58/L.71

91. At the 52nd meeting, on 20 November, the representative of Mexico, on behalf of Argentina, Austria, Belgium, Brazil, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Romania, Saint

[1] The delegations of Gabon, the Islamic Republic of Iran, Greece and Lebanon subsequently indicated that, had they been present, they would have voted in favour of the draft resolution.

Vincent and the Grenadines, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, Ukraine and Uruguay, introduced a draft resolution entitled "Protection of human rights and fundamental freedoms while countering terrorism" (A/C.3/58/L.71). Subsequently, Albania, Bolivia, Bosnia and Herzegovina, Bulgaria, El Salvador, Estonia, Ethiopia, Japan, the Sudan, Suriname, the former Yugoslav Republic of Macedonia and Timor-Leste joined in sponsoring the draft resolution and Spain withdrew as a sponsor of the draft resolution.

92. At the 60th meeting, on 28 November, the representative of Mexico orally revised the draft resolution as follows:

(a) A new third preambular paragraph was inserted, reading:

"*Recalling* that States are under the obligation to protect all human rights and fundamental freedoms of all persons";

(b) Operative paragraph 3, which read:

"3. *Takes note* of the report of the Secretary-General submitted pursuant to General Assembly resolution 57/219, and welcomes its conclusions on the necessity of ensuring respect for human rights in the international campaign to eliminate the practice and threat of terrorism and on the important dual role that the United Nations has in promoting the maintenance of international peace and security while also seeking to achieve international cooperation in encouraging respect for the human rights and fundamental freedoms of all",

was replaced by:

"3. *Takes note* of the report of the Secretary-General submitted pursuant to General Assembly resolution 57/219, and welcomes its conclusions on the necessity of ensuring respect for human rights in the international fight to eliminate terrorism and on the important role that the United Nations has in promoting the maintenance of international peace and security and achieving international cooperation for the promotion and protection of human rights and fundamental freedoms for all";

(c) In operative paragraph 4, the words "regional intergovernmental systems" were replaced by the words "regional intergovernmental bodies";

(d) Operative paragraph 6, which read:

"6. *Also welcomes* the ongoing dialogue established between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the cooperation with relevant human rights bodies, especially with the Office of the United Nations High Commissioner for Human Rights, in order to ensure the integration of the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions",

was replaced by:

"*Also welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism

Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to continue to develop the cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism";

(e) In operative paragraph 7, after the words "to coordinate their efforts" the words "and to exchange information in order to ensure a consistent approach on this subject" were replaced by the words ", as appropriate, in order to promote a consistent approach on this subject";

(f) Operative paragraph 10, which read:

"10. *Also requests* the United Nations High Commissioner for Human Rights to submit a study on (a) the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work, and (b) examples of best practices by States in ensuring the compatibility of their counter-terrorism measures with their obligations under international human rights law, all in order to identify means and measures for consideration by States for strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism as regards the international human rights institutional framework",

was replaced by:

"10. *Also requests* the United Nations High Commissioner for Human Rights, taking into account the views of States to submit a study on the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work, for consideration by States in strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism with regard to the international human rights institutional mechanisms".

93. At the same meeting, the representative of India requested a separate vote on operative paragraphs 10 and 11 of the draft resolution, as orally revised.

94. Operative paragraphs 10 and 11 were retained by a recorded vote of 136 to 1, with 15 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-

Bissau, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

India.

Abstaining:

Australia, Benin, Burkina Faso, China, Democratic Republic of the Congo, Gambia, Ghana, Israel, Kenya, Myanmar, Philippines, Rwanda, South Africa, Togo, United States of America.

95. Before the vote on operative paragraphs 10 and 11, statements were made by the representatives of the Niger, Mexico, India and Spain (see A/C.3/58/SR.60).

96. After the adoption of operative paragraphs 10 and 11 by a recorded vote, the Chairman invited the Committee to take action on the draft resolution as a whole.

97. The Committee engaged in a procedural discussion on rule 129 of the rules of procedure of the General Assembly, in which the representatives of Switzerland, Belgium, Mexico, Egypt, Guinea, the Czech Republic, Malaysia, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Chile and Sierra Leone made statements (see A/C.3/58/SR.60).

98. Also at the 60th meeting, the Chairman invited the Committee to vote on the draft resolution as a whole. The Committee adopted draft resolution A/C.3/58/L.71, as a whole, as orally revised, by a recorded vote of 157 to none, with 1 abstention (see para. 131, draft resolution XXI). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi,

Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

India.

99. Before the vote, a statement was made by the representative of Egypt; after the adoption of the draft resolution, statements were made by the representatives of Cuba, Pakistan, Liechtenstein and Colombia (see A/C.3/58/SR.60).

W. Draft resolution A/C.3/58/L.72

100. At the 52nd meeting, on 20 November, the representative of Cuba, on behalf of Algeria, Angola, Belarus, Burkina Faso, Cameroon, China, the Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Haiti, the Islamic Republic of Iran, Jamaica, Kenya, the Lao People's Democratic Republic, Lesotho, the Libyan Arab Jamahiriya, Malawi, Mozambique, Myanmar, Namibia, Nigeria, Pakistan, the Sudan, Suriname, Swaziland, the United Republic of Tanzania, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character" (A/C.3/58/L.72). Subsequently, Cambodia and Saint Lucia joined in sponsoring the draft resolution.

101. At its 54th meeting, on 21 November, the Committee adopted draft resolution A/C.3/58/L.72 by a recorded vote of 105 to 51, with 19 abstentions (see para. 131, draft resolution XXII). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya,

Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Bolivia, Brazil, Chile, Fiji, Georgia, Guatemala, Honduras, Nauru, Nicaragua, Paraguay, Peru, Philippines, Saint Vincent and the Grenadines, Singapore, Solomon Islands, Thailand, Tuvalu, Uruguay.

102. Before the vote, a statement in explanation of vote was made by the representative of Italy, on behalf of the States Members of the United Nations that are members of the European Union (see A/C.3/58/SR.54).

X. Draft resolution A/C.3/58/L.73

103. At the 54th meeting, on 21 November, the representative of Cuba, on behalf of Algeria, Angola, Cameroon, China, Colombia, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Haiti, Indonesia, the Islamic Republic of Iran, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Pakistan, Somalia, the Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights" (A/C.3/58/L.73). Subsequently, Cambodia, Ethiopia, Namibia, the Russian Federation, Rwanda and Swaziland joined in sponsoring the draft resolution.

104. In introducing the draft resolution, the representative of Cuba orally revised the text by deleting the seventh preambular paragraph, which read:

> "*Recalling* that each State has the sovereign right freely to choose and develop, in accordance with the will of its people, its own political, social, economic and cultural systems without interference by other States, in strict conformity with the United Nations Charter",

and by deleting operative paragraph 4, which read:

> "4. *Also reaffirms* that democracy is both an ideal to be pursued and a mode of government to be applied according to modalities that reflect the diversity of experiences and cultural particularities without derogating from internationally recognized principles, norms and standards, and that it is thus a constantly perfected and always perfectible state or condition whose progress will depend upon a variety of political, social, economic and cultural factors".

105. At its 55th meeting, on 24 November, the Committee adopted draft resolution A/C.3/58/L.73, as orally revised, by a recorded vote of 100 to 9, with 51 abstentions (see para. 131, draft resolution XXIII). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Grenada, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Argentina, Australia, Canada, Chile, Israel, New Zealand, Norway, Switzerland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Nepal, Netherlands, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

106. After the vote, a statement in explanation of vote was made by the representative of the Niger; the representative of Cuba also made a statement (see A/C.3/58/SR.55).

Y. Draft resolution A/C.3/58/L.74

107. At the 54th meeting, on 21 November, the representative of Mexico, on behalf of Argentina, Chile, Colombia, Cuba, Egypt, El Salvador, Guatemala, Mexico, Paraguay, Peru, the Philippines, Senegal and Uruguay, introduced a draft resolution entitled "Protection of migrants" (A/C.3/58/L.74). Subsequently, Armenia, Bangladesh, Bolivia, Brazil, Burkina Faso, Cape Verde, Ecuador, Haiti, Honduras, Mali, Morocco, Mozambique, Nigeria, Sri Lanka, the Sudan and Tunisia joined in sponsoring the draft resolution.

108. In introducing the draft resolution, the representative of Mexico orally revised operative paragraph 8 by replacing the words "discriminatory practices against migrants" with the words "practices which victimize migrants".

109. At its 55th meeting, on 24 November, the Committee adopted draft resolution A/C.3/58/L.74, as orally revised, without a vote (see para. 131, draft resolution XXIV).

110. Statements were made by the representatives of Singapore, the United States of America and Canada (see A/C.3/58/SR.55).

Z. Draft resolution A/C.3/58/L.75

111. At the 54th meeting, on 21 November, the representative of Japan, on behalf of Andorra, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced and orally revised a draft resolution entitled "Situation of human rights in Cambodia" (A/C.3/58/L.75). Subsequently, Albania, Bulgaria, Cyprus, Estonia, Greece, Iceland, Lithuania, Luxembourg, Malta, New Zealand, Romania, Slovakia, Slovenia and Switzerland joined in sponsoring the draft resolution.

112. At the 61st meeting, on 1 December, the Secretary read out a statement on financial provisions relating to the draft resolution (see A/C.3/58/SR.61).

113. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.75, as orally revised, without a vote (see para. 131, draft resolution XXV).

114. Before the adoption of the draft resolution, the representative of Cambodia made a statement (see A/C.3/58/SR.61).

AA. Draft resolution A/C.3/58/L.76

115. At the 54th meeting, on 21 November, the representative of Cuba, on behalf of Algeria, Angola, Belarus, Botswana, Burundi, Cameroon, China, the Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, El Salvador, Eritrea, the Gambia, Haiti, Indonesia, the Islamic Republic of Iran, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Mozambique, Myanmar, Nigeria, Qatar, Rwanda, Sierra Leone, the Sudan, the Syrian Arab Republic, Togo, Tunisia and Zimbabwe, introduced a draft resolution entitled "Promotion of peace as a vital requirement for the full enjoyment of human rights

by all" (A/C.3/58/L.76). Subsequently, Cambodia, Côte d'Ivoire, Ethiopia, Kenya, Mozambique, the Niger, Pakistan, South Africa, Suriname and Swaziland joined in sponsoring the draft resolution.

116. At its 55th meeting, on 24 November, the Committee adopted draft resolution A/C.3/58/L.76 by a recorded vote of 108 to 50, with 10 abstentions (see para. 131, draft resolution XXVI). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Chile, Guatemala, India, Nauru, Paraguay, Samoa, Singapore, Timor-Leste, Uruguay.

117. A statement in explanation of vote was made before the vote by the representative of Italy, on behalf of the States Members of the United Nations that are members of the European Union (see A/C.3/58/SR.55).

BB. Draft resolution A/C.3/58/L.77

118. At the 54th meeting, on 21 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Azerbaijan, Bangladesh, Benin, Cameroon, China, the Congo, Cuba, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, the Islamic Republic of

Iran, Kenya, the Libyan Arab Jamahiriya, Malaysia, Morocco, Myanmar, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Somalia, South Africa, the Sudan, Swaziland, the Syrian Arab Republic, Togo and Uganda, introduced a draft resolution entitled "Globalization and its impact on the full enjoyment of all human rights" (A/C.3/58/L.77). Subsequently, Burkina Faso, Côte d'Ivoire, the Democratic Republic of the Congo, Indonesia, Mauritius, Namibia, Suriname and Zimbabwe joined in sponsoring the draft resolution.

119. At its 55th meeting, on 24 November, the Committee adopted draft resolution A/C.3/58/L.77 by a recorded vote of 113 to 50, with 4 abstentions (see para. 131, draft resolution XXVII). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Guatemala, Singapore.

120. A statement in explanation of vote was made after the vote by the representative of Italy, on behalf of the States Members of the United Nations that are members of the European Union; after the adoption of the draft resolution, a statement was made by the representative of Egypt (see A/C.3/58/SR.55).

CC. Draft resolution A/C.3/58/L.78

121. At the 54th meeting, on 21 November, the representative of Mexico, on behalf of Argentina, Austria, Bangladesh, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Guatemala, Honduras, Hungary, the Islamic Republic of Iran, Italy, Jamaica, Japan, Jordan, Mexico, Morocco, Namibia, New Zealand, Nicaragua, Panama, Peru, the Philippines, Poland, the Republic of Moldova, Romania, Saint Vincent and the Grenadines, Senegal, Sierra Leone, South Africa, Sweden, Thailand, Timor-Leste, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, introduced a draft resolution entitled "Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities" (A/C.3/58/L.78). Subsequently, Afghanistan, Albania, Andorra, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cameroon, Canada, the Congo, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Dominica, Eritrea, Ghana, Greece, Ireland, Israel, Lithuania, Luxembourg, Malawi, Mali, Malta, the Netherlands, the Niger, Nigeria, Norway, Paraguay, Portugal, Qatar, Rwanda, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Ukraine and Zimbabwe joined in sponsoring the draft resolution.

122. At the 57th meeting, on 26 November, the Secretary read out a statement of programme budget implications regarding the draft resolution (see A/C.3/58/SR.57).

123. At the same meeting, the representative of Mexico orally revised operative paragraph 3 of the draft resolution by deleting the words "by Member States and observer States" after the words "negotiations on the draft convention".

124. Also at the same meeting, statements were made by the representatives of Nepal, Canada, Chile, Mexico and the Sudan, as well as by the observer for Palestine[2] (see A/C.3/58/SR.57).

125. At the 58th meeting, on 26 November, a statement was made by the representative of the Office of Programme Planning, Budget and Accounts (see A/C.3/58/SR.58).

126. At the same meeting, the representative of Mexico orally revised the first preambular paragraph of the draft resolution by inserting the words "open to the participation of all Member States and observers to the United Nations" after the words "an Ad Hoc Committee".

127. Statements were made by the representatives of Canada and Chile (see A/C.3/58/SR.58).

128. Also at the fifty-eighth meeting, the Committee adopted draft resolution A/C.3/58/L.78, as orally revised, without a vote (see para. 131, draft resolution XXVIII).

129. After the adoption of the draft resolution, statements were made by the representatives of the United States of America, Canada, Japan, Pakistan, the United

[2] In accordance with General Assembly resolution 52/250.

Kingdom of Great Britain and Northern Ireland, Sweden, Mexico and Ecuador (see A/C.3/58/SR.58).

DD. Draft decision proposed by the Chairman

130. At its 61st meeting, on 1 December, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 132).

(a) Report of the Secretary-General on the protection of migrants (A/58/121);

(b) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants (A/58/275);

(c) Report of the Secretary-General on the right to development (A/58/276);

(d) Report of the Secretary-General on human rights and unilateral coercive measures (A/58/279);

(e) Note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on human rights defenders (A/58/380).

III. Recommendations of the Third Committee

131. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Human rights and cultural diversity

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] as well as other pertinent human rights instruments,

Recalling also its resolutions 54/160 of 17 December 1999, 55/91 of 4 December 2000 and 57/204 of 18 December 2002, and recalling further its resolutions 54/113 of 10 December 1999 and 55/23 of 13 November 2000 on the United Nations Year of Dialogue among Civilizations,

Noting that numerous instruments within the United Nations system promote cultural diversity, as well as the conservation and development of culture, in particular the Declaration of the Principles of International Culture Cooperation proclaimed on 4 November 1966 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fourteenth session,[3]

Taking note of the report of the Secretary-General,[4]

Welcoming the adoption of the Global Agenda for Dialogue among Civilizations by its resolution 56/6 of 9 November 2001,

Welcoming also the contribution of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, to the promotion of respect for cultural diversity,

Welcoming further the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization,[5] together with its Action Plan,[6] adopted on 2 November 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first session, in which member States invited the United Nations system and other intergovernmental and non-governmental organizations concerned to cooperate with the United Nations Educational, Scientific and Cultural Organization in the promotion of the principles set forth in the Declaration and its Action Plan with a view to enhancing the synergy of actions in favour of cultural diversity,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Fourteenth Session, Paris, 1966, Resolutions*.

[4] A/58/309.

[5] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1: *Resolutions*, chap. V, resolution 25, annex I.

[6] Ibid., annex II.

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights and strengthens solidarity among peoples and nations and dialogue between cultures,

Recognizing that all cultures and civilizations share a common set of universal values,

Recognizing also that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all peoples and nations,

Considering that tolerance of cultural, ethnic, religious and linguistic diversities, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred and violence among peoples and nations throughout the world,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity, and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind,

Convinced that the promotion of cultural pluralism and tolerance towards and dialogue among various cultures and civilizations would contribute to the efforts of all peoples and nations to enrich their cultures and traditions by engaging in a mutually beneficial exchange of knowledge and intellectual, moral and material achievements,

1. *Affirms* the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect;

2. *Welcomes* the adoption of the United Nations Millennium Declaration of 8 September 2000,[7] in which Member States consider, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century and that it should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity;

[7] See resolution 55/2.

3. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

4. *Affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

5. *Expresses its determination* to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity;

6. *Affirms* that intercultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important;

7. *Welcomes* the recognition at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of the necessity of respecting and maximizing the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and among communities and nations, in particular through public information and educational programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes in which the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society;

8. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of universally accepted human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

9. *Emphasizes* that the promotion of cultural pluralism and tolerance at the national, regional and international levels is important for enhancing respect for cultural rights and cultural diversity;

10. *Also emphasizes* that tolerance and respect for diversity facilitate the universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all, and underlines the fact that tolerance and respect for cultural diversity and the universal promotion and protection of human rights are mutually supportive;

11. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

12. *Urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization and exclusion of, and discrimination against, specific sectors of society;

13. *Calls upon* States, international organizations and United Nations agencies, and invites civil society, including non-governmental organizations, to recognize and promote respect for cultural diversity for the purpose of advancing the objectives of peace, development and universally accepted human rights;

14. *Requests* the Secretary-General, in the light of the present resolution, to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, as well as the considerations in the present resolution regarding the recognition and importance of cultural diversity among all peoples and nations in the world, and to submit the report to the General Assembly at its sixtieth session;

15. *Decides* to continue consideration of this question at its sixtieth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution II
Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation to promote and encourage respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Recalling its previous resolutions in this regard,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3]

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and on countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/CONF.157/24 (Part I), chap. III.

has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. *Reaffirms* that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. *Calls upon* all Member States to base their activities for the promotion and protection of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and other relevant international instruments, and to refrain from activities that are inconsistent with that international framework;

4. *Considers* that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms, as a legitimate concern of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. *Requests* all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. *Expresses its conviction* that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. *Stresses*, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. *Invites* Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. *Requests* the Commission on Human Rights to take duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

11. *Takes note* of the report of the Secretary-General,[4] and requests the Secretary-General to invite Member States to present practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights, through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this question to the General Assembly at its fifty-ninth session;

12. *Decides* to consider this matter at its fifty-ninth session under the item entitled "Human rights questions".

[4] A/58/185 and Add.1 and 2.

Draft resolution III
Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions on this subject, as well as those of the Commission on Human Rights, and the conclusions of the World Conference on Human Rights,[1] which recognized, inter alia, that gross violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to mass exodus and displacements of people,

Mindful of the open debates that have been held within the Security Council on the protection of civilians in armed conflict, the three reports of the Secretary-General on that subject[2] and the related resolutions adopted,

Reaffirming the continuing relevance of the provisions of the 1951 Convention relating to the Status of Refugees[3] and its 1967 Protocol[4] to the situation of people in mass exoduses, and welcoming in this respect the process of Global Consultations on International Protection and the Agenda for Protection[5] and other follow-up processes endorsed by States as a result, which sought, inter alia, to strengthen international responses to mass influx situations,

Welcoming the increased attention being given by the United Nations to the problem of refugee camp security, including through the development of operational guidelines on the separation of armed elements from refugee populations, and the increasing attention to registration and camp layout and design,

Stressing the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and to protect refugees and internally displaced persons, and expressing its deep concern at the lack of respect for those laws and principles, especially during armed conflict, including the denial of safe and unimpeded access to the displaced,

Reaffirming the primary responsibility of States to ensure the protection of refugees and internally displaced persons,

Noting with satisfaction the efforts of the United Nations system to develop a comprehensive approach to addressing the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty

[1] A/CONF.157/24 (Part I), chap. III.
[2] S/1999/957, S/2001/331 and S/2002/1300.
[3] United Nations, *Treaty Series*, vol. 189, No. 2545.
[4] Ibid., vol. 606, No. 8791.
[5] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

bodies, has important capabilities to address human rights violations that cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Taking note of the work in progress of the United Nations system to clarify the role of the United Nations in post-conflict transition situations, including mass exodus situations,

Recognizing the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the Office for the Coordination of Humanitarian Affairs, the Representative of the Secretary-General for Internally Displaced Persons and the Special Representative of the Secretary-General for Children and Armed Conflict, and that cooperation between them, in accordance with their respective mandates, as well as coordination between the human rights, humanitarian, development, political and security components of the United Nations system, makes important contributions to the promotion and protection of the human rights of persons forced into mass exodus and displacement,

Acknowledging with appreciation the important and independent work of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting refugees and internally displaced persons, in cooperation with relevant international bodies,

1. *Takes note* of the report of the Secretary-General;[6]

2. *Strongly deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

3. *Reaffirms* the need for all Governments, intergovernmental bodies and relevant international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious protection and assistance problems that result from, mass exoduses of refugees and displaced persons;

4. *Urges* the Secretary-General to continue to give high priority to the consolidation and strengthening of emergency preparedness and response mechanisms, including early warning activities in the humanitarian area, so that, inter alia, effective action is taken to identify all human rights abuses that contribute to mass exoduses of persons;

5. *Encourages* States that have not already done so to consider acceding to the 1951 Convention[3] and the 1967 Protocol[4] relating to the Status of Refugees and to other relevant regional instruments concerning refugees, as applicable, and relevant international instruments of human rights and humanitarian law, to take appropriate measures to disseminate and implement those instruments domestically, to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee and, as appropriate, to address

[6] A/58/180.

the situation of the forcibly displaced in their reports to the human rights treaty bodies;

6. *Calls upon* States to ensure the effective protection of refugees by, inter alia, respecting the principle of non-refoulement, emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing countries, which are affected by mass exoduses of refugees and displaced persons, and also calls upon all relevant international and non-governmental organizations to continue to respond to the assistance and protection needs of refugees and displaced persons, including through the promotion of durable solutions to their plight;

7. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, consistent with international law, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees at safe locations, where possible away from the border, and to afford prompt and unhindered access to them by humanitarian personnel;

8. *Condemns* all incidents of sexual exploitation and abuse and violence against refugees and internally displaced persons, encourages Governments to adopt and implement initiatives aimed at preventing, and at addressing allegations of, sexual exploitation and abuse in emergency situations, and calls upon all relevant United Nations agencies to ensure the effective implementation and monitoring of the Secretary-General's bulletin,[7] the Inter-Agency Standing Committee Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and other relevant codes of conduct;

9. *Encourages* the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on human rights problems that may result in mass exoduses of populations or impede their voluntary return home, where appropriate to include such information, together with recommendations thereon, in their reports and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

10. *Requests* all United Nations bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons, and to exchange such information among themselves, within their mandates, in order to encourage effective international responses;

11. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations that cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such

[7] ST/SGB/2003/13.

situations effectively and promote sustainable returns through promotion and protection measures, including human rights monitoring of those who have fled or returned as part of mass exoduses, emergency preparedness and response mechanisms, early warning and information-sharing, technical advice, expertise and cooperation in countries of origin as well as host countries;

12. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of a viable environment for the sustainable return of displaced persons in post-conflict societies, working in cooperation with the States concerned, through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights and broad-based programmes of human rights education and the strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation;

13. *Requests* the Secretary-General to prepare and submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution as it pertains to all aspects of human rights and mass exoduses, with particular emphasis on the efforts of the United Nations system to enhance the protection of those who become displaced during mass exoduses, and to facilitate their return and reintegration, as well as information on efforts to continue to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons and to tackle the root causes of such flows;

14. *Decides* to continue its consideration of this question at its sixtieth session.

Draft resolution IV
Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 57/224 of 18 December 2002, and taking note of Commission on Human Rights resolution 2003/60 of 24 April 2003 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field, and recalling its decision to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations, as well as its resolution 56/6 of 9 November 2001, entitled "Global Agenda for Dialogue among Civilizations",

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Decides* to continue its consideration of this question at its fifty-ninth session.

Draft resolution V
Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions, the most recent of which was resolution 57/222 of 18 December 2002, and Commission on Human Rights resolution 2003/17 of 24 April 2003,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General,[2] pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997,[4] and 55/110 of 4 December 2000,[5]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

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[1] See E/2003/23 (Part I), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 3.

[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter of the United Nations that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the Open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the

[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report to the General Assembly;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its fifty-ninth session, highlighting the practical and preventive measures in this respect;

10. *Decides* to examine this question on a priority basis at its fifty-ninth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution VI
The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[1]

Stressing the need for undertaking urgent measures to implement the goals and targets set in all the major United Nations conferences and summits and their review processes, which are paramount in the process of the realization of the right to development,

Taking note of the outcome of the Fourth Ministerial Conference of the World Trade Organization, held at Doha from 9 to 14 November 2001,[2]

Recalling that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Recalling all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998, on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Welcoming its adoption of the Convention against Corruption[4] on 31 October 2003,

Recalling the high-level plenary meetings of the General Assembly held on 22 September 2003 devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS,[5]

Recalling also the Thirteenth Conference of Heads of State or Government of the Non-Aligned Movement,[6] held in Kuala Lumpur from 20 to 25 February 2003,

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[1] See resolution 55/2.
[2] See A/C.2/56/7.
[3] A/CONF.157/24 (Part I), chap. III.
[4] Resolution 58/4, annex.
[5] Resolution S-26/2, annex.
[6] A/57/759-S/2003/332, annex I.

Reiterating its continuing support for the New Partnership for Africa's Development[7] as a development framework for Africa,

Recognizing that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the United Nations Millennium Development Goal of halving, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

Expressing regret that the Working Group on the Right to Development, at its fourth session, did not reach a conclusion, in particular on the implementation of the agreed conclusions of the third session of the Working Group, while aware of the views and observations of the Chairperson-Rapporteur,

1. *Endorses* the agreed conclusions of the third session of the Working Group on the Right to Development,[8] as adopted by the Commission on Human Rights in its resolution 2002/69 of 25 April 2002,[9] which constitute a solid foundation for further initiatives towards the promotion and the realization of the right to development;

2. *Requests* the Working Group at its fifth session to revisit and build upon the agreed conclusions of its third session in order to constructively and effectively fulfil its mandate, bearing in mind that the Working Group did not reach a conclusion at its fourth session;

3. *Stresses* the importance of the core principles contained in the agreed conclusions of the third session of the Working Group, congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the international level, and underlines the importance of the principles of equity and transparency;

4. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

5. *Reaffirms also* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[1] which regards all human rights as universal, indivisible, interdependent and interrelated,

[7] A/57/304, annex.

[8] See E/CN.4/2002/28/Rev.1.

[9] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

6. *Stresses* that the basic responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

7. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and their commitment to cooperating with each other to that end;

8. *Reaffirms also* the need for an international environment that is conducive to the realization of the right to development;

9. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as a fundamental human right;

10. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels;

11. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

12. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

13. *Reaffirms* the commitment, and urges developed countries that have not yet done so, to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help meet development goals and targets;

14. *Recognizes* the need to address market access for developing countries, including in respect of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

15. *Considers* that a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more

precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries are important issues in making progress towards the effective implementation of the right to development;

16. *Underlines* the fact that the international community is far from meeting the target set in the Millennium Declaration[1] of halving the number of people living in poverty by 2015, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

17. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need to broaden the base of decision-making at the international level on issues of development concern and to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm-setting;

18. *Recognizes also* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

19. *Recognizes further* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

20. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the protection and promotion of those rights, especially in areas relating to health, education and the full development of their capacities;

21. *Stresses also* that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

22. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for good corporate governance;

23. *Emphasizes* the urgent need for taking concrete measures to fight against all forms of corruption at the national and international levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, stresses the importance of a genuine political commitment on the part of all Governments through a firm

legal framework, and in this context urges States to sign and ratify the Convention against Corruption[4] as soon as possible;

24. *Looks forward* to the consideration by the Commission on Human Rights at its sixty-first session of the concept document to be prepared by the Subcommission on the Promotion and Protection of Human Rights establishing options for the implementation of the right to development and their feasibility;

25. *Emphasizes* the need to further strengthen the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate and better servicing of and support for the Working Group on the Right to Development;

26. *Requests* the Secretary-General to ensure that the Office of the High Commissioner effectively assists in implementing the recommendations contained in the agreed conclusions of the third session of the Working Group on the Right to Development,[5] and to ensure also the meaningful participation and contribution of all relevant United Nations agencies, funds and programmes, the specialized agencies and international organizations in the next session of the Working Group;

27. *Calls upon* the United Nations agencies, funds and programmes, as well as the specialized agencies to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

28. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

29. *Also requests* the Secretary-General to submit a report to the General Assembly at its fifty-ninth session and an interim report to the Commission on Human Rights at its sixtieth session on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development.

Draft resolution VII
The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5]

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right, and that such right derives from the inherent dignity of the human person,

Recalling that, according to the constitution of the World Health Organization,[6] health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

Recognizing the need to progressively achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the relevant provisions of declarations and programmes of action adopted by the major United Nations conferences, summits and special sessions and at their follow-up meetings, in particular the four health-related development goals contained in the United Nations Millennium Declaration,[7]

Noting Commission on Human Rights resolution 2003/28 of 22 April 2003[8] and all previous resolutions adopted by the Commission concerning the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Welcoming the adoption of the World Health Organization Framework Convention on Tobacco Control by the World Health Assembly at its fifty-sixth session on 21 May 2003,[9]

Recognizing the important contribution of all regional and subregional intergovernmental initiatives regarding HIV/AIDS, including those aimed at strengthening horizontal technical cooperation and encouraging best practices,

Aware that for millions of people throughout the world the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.
[6] United Nations, *Treaty Series*, vol. 14, No. 221.
[7] Resolution 55/2.
[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.
[9] *Official Records of the World Health Organization, Fifty-sixth World Health Assembly, Geneva, 19-28 May 2003* (WHA56/2003/REC/1), resolution 56.1.

and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing also in this regard the important role of civil society, including non-governmental organizations, and in particular that of people living with HIV/AIDS, in the fight against this pandemic,

Recognizing further the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Welcoming the initiatives by the Secretary-General and relevant United Nations bodies and programmes, including the World Health Organization and the Joint United Nations Programme on HIV/AIDS, as well as public-private partnership initiatives, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

Concerned about the interrelationships between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and in particular about the fact that ill health can be both a cause and a consequence of poverty,

Considering that sexual and reproductive health are integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health adopted at the Fourth World Trade Organization Ministerial Conference, held in Doha in November 2001,[10] and welcoming the World Trade Organization General Council decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health,[11]

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum extent of their available resources, with a view to achieving progressively, by all appropriate means, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including, in particular, the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

[10] WT/MIN(01)/DEC/2. Available on the Internet at http://docsonline.wto.org.

[11] See WT/L/540.

including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Reaffirms* that the achievement of the highest attainable level of health is a most important worldwide social goal, the realization of which requires action on the part of many other social and economic sectors in addition to the health sector;

5. *Affirms* that good governance at all levels, sound economic policies and solid democratic institutions responsive to the needs of the people are also key to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* States to pay special attention to the situation of vulnerable groups, including by the adoption of positive measures, in order to safeguard the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

7. *Also calls upon* States to place a gender perspective at the centre of all policies and programmes affecting women's health;

8. *Further calls upon* States to protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

9. *Invites* States to consider signing and ratifying the World Health Organization Framework Convention on Tobacco Control, adopted by the World Health Assembly at its fifty-sixth session on 21 May 2003;[9]

10. *Takes note with interest* of the interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[12]

11. *Also takes note with interest* of the approach proposed by the Special Rapporteur to encompass the responsibilities of States at all levels in his future work on how to evaluate the progressive realization of the right of everyone to the highest attainable standard of physical and mental health and of his efforts to apply this approach to specialized areas of health care, such as essential medicines, sexual and reproductive health, HIV/AIDS, children's health and water and sanitation;

12. *Welcomes* the special attention given by the Special Rapporteur to the identification of good practices for the effective implementation of the right of everyone to the highest attainable standard of physical and mental health;

13. *Recognizes* the need for further international cooperation and research to promote the development of new drugs, vaccines and diagnostic tools for diseases causing a heavy burden in developing countries, and stresses the need to support developing countries in their efforts in this regard, taking into account that the failure of market forces to address such diseases has a direct negative impact on the

[12] E/CN.4/2003/58.

progressive realization in these countries of the right of everyone to the highest attainable standard of physical and mental health;

14. *Requests* the United Nations High Commissioner for Human Rights to provide the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

15. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of his mandate, to provide all information requested and to respond promptly to his communications;

16. *Notes* the request of the Commission on Human Rights to the Special Rapporteur to submit annually a report to the Commission and an interim report to the General Assembly on the activities performed under his mandate;

17. *Requests* the Commission on Human Rights to continue consideration of this matter at its sixtieth session under the same agenda item.

Draft resolution VIII
Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[2] and the International Covenants on Human Rights,[3]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[4] as well as the Declaration on Measures to Eliminate International Terrorism,[5]

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] in which the Conference reaffirmed that the acts, methods and practices of terrorism in all its forms and manifestations, as well as its linkage in some countries to drug trafficking, are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and the security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Recalling further the United Nations Millennium Declaration adopted by the General Assembly,[7]

Recalling in this regard the reference in the report of the Secretary-General on the implementation of the United Nations Millennium Declaration to the fact that terrorism itself is a violation of human rights and must be combated as such and that efforts at combating it must, however, be pursued in full compliance with established international norms,[8]

Recalling also its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997, 54/109 and 54/110 of 9 December 1999, 54/164 of 17 December 1999, 55/158 of 12 December 2000, 56/160 of 19 December 2001 and 57/219 and 57/220 of 18 December 2002,

Recalling in particular that, in its resolution 52/133, it requested the Secretary-General to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of human rights and fundamental freedoms,

Recalling previous resolutions of the Commission on Human Rights,

Bearing in mind all other relevant General Assembly resolutions,

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[1] Resolution 217 A (III).
[2] Resolution 2625 (XXV), annex.
[3] Resolution 2200 A (XXI), annex.
[4] See resolution 50/6.
[5] Resolution 49/60, annex.
[6] A/CONF.157/24 (Part I), chap. III.
[7] See resolution 55/2.
[8] A/58/323, para. 28.

Bearing in mind also relevant Security Council resolutions,

Aware that, at the dawn of the twenty-first century, the world is witness to historic and far-reaching transformations, in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Alarmed that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the right to life is the basic human right, without which a human being can exercise no other right,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international law,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Expressing its deepest sympathy and condolences to all the victims of terrorism and their families,

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage, including huge loss of human life,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant State obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Emphasizing also that States shall deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe havens,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Noting the growing consciousness within the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

Noting also the developments that have occurred since its fifty-sixth session on addressing the issue of human rights and terrorism at the national, regional and international levels,

1. *Reiterates its unequivocal condemnation* of the acts, methods and practices of terrorism in all its forms and manifestations as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

2. *Strongly condemns* the violations of the right to life, liberty and security;

3. *Profoundly deplores* the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances;

4. *Expresses its solidarity* with the victims of terrorism;

5. *Reaffirms* the decision of the heads of State and Government, as contained in the United Nations Millennium Declaration,[7] to take concerted action against international terrorism and to accede as soon as possible to all the relevant regional and international conventions;

6. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

7. *Calls upon* States to take all necessary and effective measures, in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever it is committed, and also calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

8. *Urges* all States to deny safe haven to terrorists;

9. *Calls upon* States to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and in this context urges those States that have granted refugee status or asylum to persons involved in or claiming to have committed acts of terrorism to review those situations;

10. *Condemns* the incitement to ethnic hatred, violence and terrorism;

11. *Stresses* that every person, regardless of nationality, race, sex, religion or any other distinction, has a right to protection from terrorism and terrorist acts;

12. *Expresses concern* about the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery, and requests the relevant United Nations bodies to continue to give special attention to this question;

13. *Welcomes* the report of the Secretary-General on human rights and terrorism,[9] and requests him to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his report to the General Assembly;

14. *Decides* to consider this question at its sixtieth session under the item entitled "Human rights questions".

[9] A/58/533.

Draft resolution IX
National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played an important role and should continue to play a more important role in assisting the development of national institutions,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights,

Recalling also the Beijing Platform for Action,[2] in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Noting the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches in promoting universal respect for and observance of human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions for the promotion and protection of human rights meeting in Vienna from 14 to 16 June 1993[3] during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

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[1] A/CONF.157/24 (Part I), chap. III.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[3] A/CONF.157/NI.6.

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting with appreciation the existence of the regional human rights networks in Europe and Africa, the continuing work of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas and the work of the Asia Pacific Forum of National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. *Welcomes* the report of the Secretary-General;[4]

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), contained in the annex to General Assembly resolution 48/134 of 20 December 1993;

3. *Reiterates*, on the tenth anniversary of their recognition by the General Assembly, the continued importance of the Paris Principles, recognizes the value of further strengthening their application, where appropriate, and encourages States, national institutions and other interested parties to consider ways to achieve this;

4. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[1] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

5. *Encourages* Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

6. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

7. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

8. *Notes with satisfaction* the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

9. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities, including those of the United Nations, in

[4] A/58/261

particular in the context of the United Nations Decade for Human Rights Education, 1995-2004;

10. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the United Nations programme of advisory services and technical assistance in the field of human rights;

11. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

12. *Welcomes* the establishment of a national institutions web site[5] as an important vehicle for the delivery of information to national institutions and for sharing best practice, and further notes with satisfaction the intention of the Office of the High Commissioner for Human Rights to publish a compendium of national legislation relevant to national institutions;

13. *Notes with appreciation* the increasingly active and important role of the International Coordinating Committee of National Institutions, as recognized in Commission on Human Rights resolution 1994/54 of 4 March 1994,[6] in close cooperation with the Office of the High Commissioner, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

14. *Also notes with appreciation* the holding of regular meetings of the International Coordinating Committee and the arrangements for the participation of national human rights institutions in the annual sessions of the Commission on Human Rights;

15. *Requests* the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee during the sessions of the Commission on Human Rights, in cooperation with the Office of the High Commissioner;

16. *Welcomes* the continuation of the practice of national institutions convening regional meetings in some regions and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

17. *Requests* the Secretary-General to continue to provide, including from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for holding international and regional meetings of national institutions;

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[5] National Human Rights Institutions Forum (www.nhri.net).

[6] See *Official Records of the Economic and Social Council, 1994, Supplement No. 4* and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

18. *Recognizes* the important and constructive role that non-governmental organizations may play, in cooperation with national institutions, for better promotion and protection of human rights;

19. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

20. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

21. *Encourages* all United Nations entities, funds and agencies to work in close cooperation with national institutions in the promotion and protection of human rights;

22. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

Draft resolution X
Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000, concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000 and section III of its resolution 55/234 of 23 December 2000,

Recalling further that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling the report of the United Nations High Commissioner for Human Rights,[2]

Taking note of the holding of the twentieth ministerial meeting of the Standing Advisory Committee on Security Questions in Central Africa, in Malabo, Equatorial Guinea, from 27 to 31 October 2003,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide their full assistance for the proper functioning of the Subregional Centre;

4. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution.

[1] See A/CONF.157/24 (Part I), chap. III.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36* and corrigendum (A/56/36 and Corr.1 and Add.1).

Draft resolution XI
Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of the displacement problem in cooperation with the international community,

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, or local integration,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[1]

Emphasizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and welcoming initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons as well as better coordination of activities regarding them,

Commending the Representative of the Secretary-General on internally displaced persons for the activities undertaken so far, on the catalytic role that he plays in raising the level of consciousness about the plight of internally displaced persons and for his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection, assistance and addressing the development needs of internally displaced persons,

Taking note of Commission on Human Rights resolution 2003/51 of 23 April 2003,[2] and recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] regarding the need to develop global strategies to address the problem of internal displacement,

[1] E/CN.4/1998/53/Add.2, annex.

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and noting that the Rome Statute of the International Criminal Court[4] defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population as well as ordering the displacement of the civilian population as war crimes,

Noting the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations and other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better protection, assistance and development strategies for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling its resolution 56/164 of 19 December 2001,

1. *Welcomes* the report of the Representative of the Secretary-General on internally displaced persons;[5]

2. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

3. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

4. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Representative to pay more systematic and in-depth attention to their particular assistance, protection and development needs, as well as to other groups with special needs such as older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

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[4] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[5] A/58/393.

5. *Notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

6. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and reintegration and rehabilitation processes;

7. *Expresses its appreciation* of the Guiding Principles on Internal Displacement[1] as an important tool for dealing with situations of internal displacement, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

8. *Welcomes* the fact that the Representative of the Secretary-General continues to use the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles;

9. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to give serious consideration to inviting the Representative to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments that have already done so;

10. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

11. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

12. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, notes the work of the Internal Displacement Unit within the Office for the Coordination of Humanitarian Affairs of the Secretariat, and encourages further strengthening of the collaboration with the Representative of the Secretary-General in line with the memorandum of understanding of 17 April 2002 between the Representative and the Emergency Relief Coordinator;

13. *Emphasizes* the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;

14. *Encourages* all relevant United Nations agencies and humanitarian assistance, human rights and development organizations to enhance further their collaboration and coordination, through the Inter-Agency Standing Committee and

in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General;

15. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts in this regard;

16. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

17. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

18. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

19. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its sixtieth session, a report on the implementation of the present resolution;

20. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixtieth session.

Draft resolution XII
Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution,

Reiterating the importance of the Declaration, and stressing the importance of its wide dissemination,

Recalling all previous resolutions on this subject, in particular its resolution 57/209 of 18 December 2002 and Commission on Human Rights resolution 2003/64 of 24 April 2003,[1]

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned by the human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned by the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders, in particular those active at the local and community levels, and the severe consequences for women human rights defenders and defenders of rights of persons belonging to minorities,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity and in promoting, strengthening and preserving democracy,

Recalling that under the International Covenant on Civil and Political Rights[2] certain rights are recognized as non-derogable, and emphasizing that derogation

[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] See resolution 2200 A (XXI), annex.

from other rights and freedoms can take place only under strict observance of the agreed conditions and procedures identified under article 4 of the Covenant,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Acknowledging the significant work conducted by the Special Representative of the Secretary-General during the first three years of her mandate,

Welcoming the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders[3] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Encourages* all States to ensure and maintain an environment conducive to the work of human rights defenders;

4. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

5. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and national levels;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of human rights defenders;

[3] E/CN.4/2001/94, A/56/341, E/CN.4/2002/106 and Add.1 and 2 and A/57/182.

7. *Emphasizes* the importance of combating impunity, and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

8. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information in the fulfilment of her mandate upon request;

9. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Representative to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to her recommendations, so as to enable her to fulfil her mandate even more effectively;

10. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

11. *Invites* Governments to consider translating the Declaration into national languages, and encourages them to disseminate it widely;

12. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

13. *Invites* relevant United Nations bodies, including at the country level, within their mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

14. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

15. *Decides* to consider this question at its fifty-ninth session, under the item entitled "Human rights questions".

Draft resolution XIII
Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria

The General Assembly,

Reaffirming the Universal Declaration of Human Rights[1] and the International Covenant on Economic, Social and Cultural Rights,[2]

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right,

Recalling Commission on Human Rights resolutions 2001/33 of 23 April 2001,[3] 2002/32 of 22 April 2002[4] and 2003/29 of 22 April 2003,[5]

Acknowledging that prevention and comprehensive care and support, including treatment and access to medication for those infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria, are inseparable elements of an effective response and must be integrated into a comprehensive approach to respond to such pandemics,

Stressing the importance of fully implementing the Declaration of Commitment on HIV/AIDS, "Global Crisis — Global Action",[6] and taking note of the report of the Secretary-General,[7]

Welcoming the continuing political commitment demonstrated at the high-level plenary meetings of the General Assembly devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS, "Global Crisis-Global Action", held on 22 September 2003,

Expressing its support for the work of the Global Fund to Fight AIDS, Tuberculosis and Malaria and that of other international bodies combating such pandemics,

Bearing in mind World Health Assembly resolutions WHA 55.12 and WHA 55.14, both of 18 May 2002,[8] and WHA 56.30 of 28 May 2003,[9]

Also bearing in mind the International Labour Organization Code of Practice on HIV/AIDS and the World of Work, adopted by the Governing Body of the International Labour Organization in June 2001,

Taking note of general comment No. 14 (2000) on the right to the highest attainable standard of physical and mental health (article 12 of the International

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.
[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[5] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.
[6] Resolution S-26/2, annex.
[7] A/58/184.
[8] See WHA 55/2002/REC/1.
[9] See WHA 56/2003/REC/1.

Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session, in May 2000,[10]

Taking note of general comment No. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty-second session, in January 2003,[11]

Alarmed that the HIV/AIDS pandemic claimed 3.1 million lives in 2002, that about 42 million people were living with HIV by the end of 2002 and that 25 million children under the age of 15, including 20 million in Africa, are projected to lose one or both parents owing to HIV/AIDS by 2010,

Fully aware that the failure to deliver antiretroviral treatment for HIV/AIDS to the millions of people who need it is a global health emergency,

Recalling its resolution 57/294 of 20 December 2002, entitled "2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa",

Alarmed that, according to the global Roll Back Malaria Partnership, malaria annually causes more than 1 million deaths, around 90 per cent of which are in Africa, that it is the leading cause of death in young children and that it causes at least 300 million cases of acute illness each year,

Also alarmed that, according to the World Health Organization global tuberculosis control report of 2003,[12] tuberculosis kills about 2 million people each year, that 7 to 8 million people around the world become sick with tuberculosis each year and that it is projected that between 2002 and 2020 36 million people will die of tuberculosis if control is not further strengthened,

Acknowledging the significance of HIV/AIDS in the increase in tuberculosis and other opportunistic diseases,

Welcoming the initiatives of the Secretary-General and relevant United Nations agencies, States and civil society, including the private sector, to make drugs related to HIV/AIDS, tuberculosis and malaria more accessible and affordable to infected persons, especially in developing countries, and noting that much more could be done in this regard,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health, adopted by the Fourth World Trade Organization Ministerial Conference in Doha in November 2001,[13] and welcoming the World Trade Organization General Council decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS agreement and Public Health,

Recognizing that the spread of HIV/AIDS can have a uniquely devastating impact on all sectors and levels of society, and stressing that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, as stated in Security Council resolution 1308 (2000) of 17 July 2000,

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[10] *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22), annex IV.

[11] CRC/GC/2003/3.

[12] WHO/CDS/TB/2003.316.

[13] WT/MIN(01)/DEC/2. Available on the Internet at http://docsonline.wto.org.

Emphasizing, in view of the increasing challenges presented by pandemics such as HIV/AIDS, tuberculosis and malaria, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, including by reducing vulnerability to pandemics such as HIV/AIDS, tuberculosis and malaria and by preventing related discrimination and stigma,

1. *Recognizes* that access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria is one fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Welcomes* the commitment of the World Health Organization and the Joint United Nations Programme on HIV/AIDS to work with the international community to support developing countries in achieving the global target of providing antiretroviral medicines to 3 million people infected with HIV/AIDS by the end of 2005, the "3 by 5" target;

3. *Takes note with interest* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[14]

4. *Calls upon* States to develop and implement national strategies, in accordance with applicable international law, including international agreements acceded to, to progressively realize access for all to prevention-related goods, services and information as well as access to comprehensive treatment, care and support for all individuals infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria;

5. *Also calls upon* States to establish or strengthen national health and social infrastructures and health-care systems, with the assistance of the international community as necessary, for the effective delivery of prevention, treatment, care and support to respond to pandemics such as HIV/AIDS, tuberculosis and malaria;

6. *Further calls upon* States to pursue policies, in accordance with applicable international law, including international agreements acceded to, which would promote:

(a) The availability in sufficient quantities of pharmaceutical products and medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them;

(b) The accessibility and affordability for all, without discrimination, including the most vulnerable or socially disadvantaged groups of the population, of pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them;

(c) The assurance that pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin are scientifically and medically appropriate and of good quality;

[14] A/58/427.

7. *Calls upon* States, at the national level, on a non-discriminatory basis, in accordance with applicable international law, including international agreements acceded to:

(a) To refrain from taking measures that would deny or limit equal access for all persons to preventive, curative or palliative pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them;

(b) To adopt and implement legislation or other measures, in accordance with applicable international law, including international agreements acceded to, to safeguard access to such preventive, curative or palliative pharmaceutical products or medical technologies from any limitations by third parties;

(c) To adopt all appropriate positive measures, to the maximum of the resources allocated for this purpose, to promote effective access to such preventive, curative or palliative pharmaceutical products or medical technologies;

8. *Also calls upon* States, in furtherance of the Declaration of Commitment on HIV/AIDS,[6] to address factors affecting the provision of drugs related to the treatment of pandemics such as HIV/AIDS and the most common opportunistic infections that accompany them, as well as to develop integrated strategies to strengthen health-care systems, including voluntary counselling and testing, laboratory capacities and the training of health-care providers and technicians, in order to provide treatment and monitor the use of medications, diagnostics and related technologies;

9. *Further calls upon* States to take all appropriate measures, nationally and through cooperation, to promote research and development of new and more effective preventive, curative or palliative pharmaceutical products and diagnostic tools, in accordance with applicable international law, including international agreements acceded to;

10. *Calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements acceded to, such as:

(a) Facilitating, wherever possible, access in other countries to essential preventive, curative or palliative pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them, as well as extending the necessary cooperation, wherever possible, especially in times of emergency;

(b) Ensuring that their actions, as members of international organizations, take due account of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that the application of international agreements is supportive of public health policies that promote broad access to safe, effective and affordable preventive, curative or palliative pharmaceutical products and medical technologies;

11. *Welcomes* the financial contributions made to date to the Global Fund to Fight AIDS, Tuberculosis and Malaria, urges that further contributions be made to sustain the Fund, and calls upon all States to encourage the private sector to contribute to the Fund as a matter of urgency;

12. *Calls upon* the Joint United Nations Programme on HIV/AIDS to mobilize further resources to combat the HIV/AIDS pandemic and upon all Governments to take measures to ensure that the necessary resources are made available to the Joint United Nations Programme on HIV/AIDS, in line with the Declaration of Commitment on HIV/AIDS;

13. *Also calls upon* States to ensure that those at risk of contracting malaria, in particular pregnant women and children under five years of age, benefit from the most suitable combination of personal and community protective measures, such as insecticide treated bed nets and other interventions that are accessible and affordable, in order to prevent infection and suffering;

14. *Further calls upon* States to provide the necessary support for the World Health Organization Roll Back Malaria and Stop Tuberculosis Partnerships in their ongoing measures to combat malaria and tuberculosis;

15. *Calls upon* the international community, the developed countries in particular, to continue to assist the developing countries in the fight against pandemics such as HIV/AIDS, tuberculosis and malaria through financial and technical support, as well as through the training of personnel;

16. *Invites* the Committee on Economic, Social and Cultural Rights to give attention to the issue of access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria, and invites States to include appropriate information thereon in the reports they submit to the Committee.

Draft resolution XIV
Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolution 56/159 of 19 December 2001,

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Noting with satisfaction that increasing numbers of Member States are using elections as peaceful means of discerning the will of the people, which builds confidence in representational governance, and contributes to greater national peace and stability,

Recalling the Universal Declaration of Human Rights, adopted on 10 December 1948,[1] in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right freely to choose representatives through periodic and genuine elections, which shall be by universal and equal suffrage and held by secret vote or by equivalent free voting procedures,

Noting with interest Commission on Human Rights resolution 2003/36 of 23 April 2003,[2]

Recognizing the need for strengthening democratic processes, electoral institutions and national capacity-building, including the capacity to administer fair elections, increase citizen participation and provide civic education, in requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Welcoming also the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

Having considered the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,[3]

1. *Welcomes* the report of the Secretary-General;[3]

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[1] Resolution 217 A (III).

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] A/58/212.

2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs of requesting countries to develop, improve and refine their electoral institutions and processes, recognizing that the fundamental responsibility of organizing free and fair elections lies with Governments;

3. *Requests* the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, in its role as coordinator of United Nations electoral assistance, to continue to inform Member States regularly about the requests received and the nature of any assistance provided;

4. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, including the provision of long-term technical cooperation, that conditions exist to allow a free and fair election and that the mission's results will be reported comprehensively and consistently;

5. *Recommends* that, throughout the time span of the entire electoral process, including before and after elections, as appropriate, based on needs assessment missions, the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes;

6. *Notes with appreciation* additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, and encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in the reporting they make on electoral processes, and expresses its appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

7. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

8. *Encourages* the Secretary-General, through the Electoral Assistance Division, to continue responding to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular through enhancing the capacity of national electoral institutions;

9. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

10. *Notes with satisfaction* the comprehensive coordination between the Electoral Assistance Division and the United Nations Development Programme, and

encourages further engagement of the Office of the United Nations High Commissioner for Human Rights in this context;

11. *Requests* the United Nations Development Programme to continue its governance assistance programmes in cooperation with other relevant organizations, in particular those that strengthen democratic institutions and linkages between civil society and Governments;

12. *Reiterates* the importance of reinforced coordination within and outside the United Nations system in this regard;

13. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance support by the Organization for the democratization process in Member States.

Draft resolution XV
United Nations Decade for Human Rights Education, 1995-2004

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Reaffirming article 26 of the Universal Declaration, which states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and recalling the provisions of other relevant international human rights instruments that reflect the aims of the article,

Recalling the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995-2004,

Believing that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and for ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should constitute a comprehensive, lifelong process by which all people learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that every woman, man and child, in order to realize their full human potential, must be made aware of all their human rights and fundamental freedoms and the corresponding responsibility of States,

Recognizing that human rights education is essential to the realization of human rights and fundamental freedoms and that carefully designed training, dissemination and information programmes can have a catalytic effect on national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

Convinced that human rights education contributes to a holistic concept of development consistent with the dignity of people of all ages, which contributes to the promotion of the rights of those in the most vulnerable segments of society, such as children, young persons, older persons, indigenous people, minorities, the rural and urban poor, migrant workers, refugees, persons with HIV/AIDS and disabled persons,

Convinced also that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and cooperation at the national, regional and international levels,

Recognizing the invaluable, creative and active role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating information and engaging in human rights education, especially at the grass-roots level,

[1] Resolution 217 A (III).

Aware of the potential role of the private sector in human rights education through financial support for governmental and non-governmental activities as well as their own creative and effective initiatives,

Noting with appreciation the efforts undertaken thus far by the Office of the United Nations High Commissioner for Human Rights to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004,[2] and to increase information-sharing in the area of human rights education,

Welcoming other United Nations public information activities in the field of human rights,

Noting Commission on Human Rights resolution 2003/70 of 25 April 2003,[3] in which the Commission requested the Office of the High Commissioner, jointly with the United Nations Educational, Scientific and Cultural Organization, to report on the achievements and shortcomings of the current United Nations Decade for Human Rights Education,

1. *Notes with appreciation* the report of the United Nations High Commissioner for Human Rights on education and public information activities in the field of human rights;[4]

2. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004,[2] and to develop public information activities in the field of human rights;

3. *Urges* all Governments to promote the development of comprehensive, participatory and sustainable national strategies for human rights education and to establish and strengthen in their education policies knowledge of human rights, in both its theoretical dimensions and its practical applications;

4. *Also urges* all Governments to intensify their efforts to contribute to the implementation of the Plan of Action and, in particular, to implement the suggestions in relevant resolutions adopted by the General Assembly and the Commission on Human Rights regarding possible activities to be included in national strategies for human rights education;

5. *Encourages* Governments to support further, through voluntary contributions, the education and public information efforts undertaken by the Office of the High Commissioner within the framework of the Plan of Action;

6. *Encourages* the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights;

7. *Urges* the Department of Public Information of the Secretariat to continue to utilize United Nations information centres for the timely dissemination of basic information, reference and audio-visual materials on human rights and fundamental freedoms;

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[2] A/51/506/Add.1, appendix.

[3] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] A/58/318.

8. *Requests* the High Commissioner to continue to coordinate and harmonize human rights education and information strategies and the implementation of the Plan of Action and the World Public Information Campaign on Human Rights within the United Nations system, in cooperation with, inter alia, the United Nations Educational, Scientific and Cultural Organization and the Department of Public Information, and to ensure maximum effectiveness and efficiency in the collection, use, processing, management and distribution of human rights information and educational materials, including through electronic means;

9. *Encourages* all relevant organs, bodies and agencies of the United Nations system to provide training in human rights for all United Nations personnel and officials;

10. *Encourages* the human rights treaty bodies, within their mandates, when examining reports of States parties, to consider the activities of States parties in the area of human rights education;

11. *Encourages* all relevant mechanisms of the Commission on Human Rights to include systematically in their reports a specific section on human rights education, as relevant to their mandate, as well as to include human rights education as an item on their agenda of their annual meetings, with a view to strengthening their contribution to human rights education;

12. *Calls upon* international, regional and national non-governmental organizations and intergovernmental organizations to develop human rights education programmes in implementing the Plan of Action;

13. *Welcomes* initiatives to include civil society, non-governmental organizations, children and youth in national delegations to United Nations meetings as an important component of human rights education;

14. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to seek the cooperation of the private sector, development, trade and financial institutions and the media in developing human rights education strategies;

15. *Encourages* regional organizations to develop strategies for the wider distribution of materials on human rights education in all relevant languages and to maximize the participation of national entities in regional programmes on human rights education;

16. *Requests* the High Commissioner to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information;

17. *Decides* to dedicate a plenary meeting during the fifty-ninth session of the General Assembly on the occasion of Human Rights Day, 10 December 2004, structured as an interactive dialogue to review the achievements of the United Nations Decade for Human Rights Education, 1995-2004, and to discuss possible future activities for the enhancement of human rights education.

Draft resolution XVI
Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society as a whole in the States in which such persons live,

Concerned by the frequency and severity of disputes and conflicts concerning minorities and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement,

Recognizing that the effective promotion and protection of the rights of persons belonging to minorities is a fundamental part of the promotion and protection of human rights, and acknowledging that measures in this area can also contribute significantly to conflict prevention,

Emphasizing the role that national institutions can play in early warning for problems regarding minority situations,

Emphasizing also the importance of human rights education as an effective tool to promote an inclusive society and understanding of and tolerance towards and among persons belonging to minorities,

Acknowledging that the United Nations has an important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Noting that the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights held its eighth and ninth sessions from 27 to 31 May 2002[1] and 12 to 16 May 2003,[2] respectively,

1. *Takes note* of the report of the Secretary-General;[3]

2. *Recognizes* that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the promotion and protection of the rights of persons belonging to minorities;

3. *Reaffirms* the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration on the Rights of Persons Belonging to National or

[1] See E/CN.4/Sub.2/2002/19 and Corr.1.
[2] See E/CN.4/Sub.2/2003/19.
[3] A/58/255.

Ethnic, Religious and Linguistic Minorities,[4] and as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

4. *Encourages* States, in their follow-up to the World Conference, to include aspects relating to minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

5. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, and to apply a gender perspective while doing so;

6. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

7. *Urges* States to take, as appropriate, all necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. *Calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

9. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

10. *Calls upon* the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration, to continue to engage in a dialogue with Governments for that purpose and to disseminate widely the *United Nations Guide for Minorities*;

11. *Requests* the High Commissioner to continue his efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities relating to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in his endeavours;

12. *Welcomes* the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues, and calls upon those programmes and agencies to contribute actively to this process;

13. *Invites* the human rights treaty bodies, when considering reports submitted by States parties, as well as the reports of special representatives, special rapporteurs and working groups of the Commission on Human Rights, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

[4] Resolution 47/135, annex.

14. *Encourages* intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

15. *Calls upon* the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to implement fully its mandate with the involvement of a wide range of participants, inter alia, by recommending, on the basis of its findings, further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

16. *Invites* the High Commissioner to seek voluntary contributions to facilitate the effective participation, including through training seminars, in the work of the Working Group on Minorities of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries;

17. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution and to continue to include examples of good practices in the field of education and of the effective participation of minorities in decision-making processes;

18. *Decides* to continue consideration of this question at its sixtieth session under the item entitled "Human rights questions".

Draft resolution XVII
Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular article 6 of the Covenant, which states, inter alia, that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age, and article 10, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,

Bearing in mind also the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] in particular the right to equal treatment before tribunals and all other organs administering justice, the Convention on the Rights of the Child,[5] in particular article 37, according to which every child deprived of liberty shall be treated in a manner, which takes into account the needs of persons of his or her age, and the Convention on the Elimination of All Forms of Discrimination against Women,[6] in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Convinced that the independence and impartiality of the judiciary are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

Emphasizing that the right to access to justice as contained in applicable international human rights instruments forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

Recalling the Guidelines for Action on Children in the Criminal Justice System[7] and the establishment and subsequent meetings of the coordination panel on technical advice and assistance in juvenile justice,

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[3] Resolution 39/46, annex.
[4] Resolution 2106 A (XX), annex.
[5] Resolution 44/25, annex.
[6] Resolution 34/180, annex.
[7] Economic and Social Council resolution 1997/30, annex.

Calling attention to the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[8] and of the plans of action for its implementation and follow-up,[9]

Recalling its resolution 56/161 of 19 December 2001, as well as Commission on Human Rights resolution 2002/47 of 23 April 2002[10] and Economic and Social Council resolution 2003/30 of 22 July 2003, entitled "United Nations standards and norms in crime prevention and criminal justice",

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

4. *Invites* Governments to provide training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

8. *Takes note with interest* of the debates held in the Security Council on the agenda item "Justice and the Rule of Law: the United Nations role";

9. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High

[8] Resolution 55/59, annex.

[9] See *Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1), part two, chap I.

[10] Ibid., *2002, Supplement No. 3* and corrigendum (E/2002/23 and Corr.1), chap. II, sect. A.

Commissioner for Human Rights and the Crime Programme of the Office on Drugs and Crime of the Secretariat to closely coordinate their activities relating to the administration of justice;

10. *Calls upon* mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice, including juvenile justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

11. *Calls upon* the United Nations High Commissioner for Human Rights to reinforce, within his mandate, his activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations;

12. *Encourages* the Office of the High Commissioner to continue organizing training courses and other relevant activities aimed at enhancing the promotion and protection of human rights in the field of the administration of justice, and welcomes the publication of the Manual on Human Rights for Judges, Prosecutors and Lawyers within the framework of the United Nations Decade for Human Rights Education, 1995-2004;

13. *Welcomes* the increased attention paid to the issue of juvenile justice by the High Commissioner for Human Rights and the United Nations Children's Fund, in particular through technical assistance activities, and, taking into account the fact that international cooperation to promote juvenile justice reform has become a priority within the United Nations system, encourages the further activities of the High Commissioner and the Fund, within their mandates, in this regard;

14. *Calls upon* the coordination panel on technical advice and assistance in juvenile justice to further increase cooperation among the partners involved, to share information and to pool their capacities and interests in order to increase the effectiveness of programme implementation;

15. *Invites* Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and ways in which they can be addressed, and notes the proposal of the Subcommission on the Promotion and Protection of Human Rights to prepare a working paper on this question;[11]

16. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and respect for the rule of law and human rights in post-conflict situations, and requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

17. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this

[11] Decision 2003/104; see E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chap. II.B.

context welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

18. *Decides* to consider the question of human rights in the administration of justice at its sixtieth session under the item entitled "Human rights questions".

Draft resolution XVIII
Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling article 18 of the Universal Declaration of Human Rights,[1] article 18 of the International Covenant on Civil and Political Rights[2] and paragraph 4 of the United Nations Millennium Declaration,[3]

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief,

Noting the provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[4] aimed at combating religious intolerance,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, and in public or private,

Reaffirming the call, made ten years ago in Vienna at the World Conference on Human Rights, for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[5]

Underlining the important role of education in the promotion of tolerance, which involves the acceptance of and respect for diversity, and underlining also that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See resolution 55/2.

[4] See A/CONF.189/12 and Corr.1, chap. I.

[5] A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

motivated by religious intolerance, continue to occur in many parts of the world and threaten the full enjoyment of human rights and fundamental freedoms,

Profoundly concerned at acts and situations of violence and discrimination resulting from religious intolerance that affect many women,

Deeply concerned at the overall rise in intolerance and discrimination on the grounds of religion or belief, including restrictive legislation, administrative regulations and discriminatory registration and the arbitrary application of these and other measures,

Recognizing that such intolerance and discrimination frequently manifests itself through acts of violence against religious minorities in all parts of the world,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as emphasized also at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion or belief, including the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief is violated;

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of their religion or belief, deprived of the right to life, liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained, and to protect their physical integrity and bring to justice all perpetrators of violations of these rights;

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to persons belonging to religious minorities;

5. *Urges* States to devote particular attention to combating all practices motivated by religion or belief which lead, directly or indirectly, to human rights violations and to discrimination against women;

6. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if those limitations that are prescribed by law are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. *Urges* States to ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not

discriminate on the grounds of religion or belief and to ensure that all necessary and appropriate education or training is provided;

8. *Calls upon* all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[6] the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. *Expresses its grave concern* at all attacks upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert their utmost efforts to ensure that such places, sites and shrines are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

10. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief, and that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration, and in this regard invites States, religious bodies and civil society to undertake dialogue at all levels to promote greater tolerance, respect and understanding of freedom of religion or belief and to encourage and promote, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

11. *Emphasizes* the importance of a continued and strengthened dialogue among religions or beliefs, including as encompassed in the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding;

12. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief,[7] and encourages his continued efforts to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

13. *Urges* all States to cooperate fully with the Special Rapporteur, including by considering favourably his requests to visit their countries so as to enable him to fulfil his mandate even more effectively, welcomes the initiatives of States to collaborate with the Special Rapporteur, and encourages civil society to continue its active collaboration with the Special Rapporteur;

14. *Urges* States to make all appropriate efforts to encourage those engaged in education to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

15. *Encourages* Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience, religion or belief;

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[6] See resolution 36/55.

[7] See A/58/296.

16. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation and dissemination of the Declaration, and further encourages their work in relation to promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

17. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

18. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable him to discharge his mandate fully;

19. *Decides* to consider the question of the elimination of all forms of religious intolerance at its fifty-ninth session under the item entitled "Human rights questions", and requests the Special Rapporteur to submit an interim report to the General Assembly on the question.

Draft resolution XIX
In-depth study on all forms of violence against women

The General Assembly,

Affirming that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life,

Requests the Secretary-General:

(a) To conduct an in-depth study, from existing available resources and, if necessary, supplemented by voluntary contributions, on all forms and manifestations of violence against women, as identified in the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women[1] and the outcome of the special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",[2] including those outlined in the present resolution and relevant documents, disaggregated by type of violence, and based on existing research undertaken and data collected at the national, regional and international levels, in particular in the following fields:

(i) A statistical overview on all forms of violence against women, in order to evaluate better the scale of such violence, while identifying gaps in data collection and formulating proposals for assessing the extent of the problem;

(ii) The causes of violence against women, including its root causes and other contributing factors;

(iii) The medium and long-term consequences of violence against women;

(iv) The health, social and economic costs of violence against women;

(v) The identification of best practice examples in areas including legislation, policies, programmes and effective remedies, and the efficiency of such mechanisms to the end of combating and eliminating violence against women;

(b) To cooperate closely with all relevant United Nations bodies, as well as with the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, when preparing the study;

(c) To solicit information, including on strategies, policies, programmes and best practices, from Member States as well as relevant non-governmental organizations in the preparation of the study;

(d) To make the study available to all Member States and observers, as well as other United Nations stakeholders and, on the basis of the study, to submit a report, with the study as an annex, to the General Assembly at its sixtieth session, under the item entitled "Advancement of women", including action-oriented recommendations, for consideration by States, encompassing, inter alia, effective remedies and prevention and rehabilitation measures;

(e) To submit a progress report on the study to the General Assembly at its fifty-ninth session, under the item entitled "Advancement of women".

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[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[2] Resolution S-23/2, annex, and resolution S-23/3, annex.

Draft resolution XX
The right to food

The General Assembly,

Recalling its resolution 57/226 of 18 December 2002, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2003/25 of 22 April 2003,[1]

Recalling also the Universal Declaration of Human Rights,[2] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food,

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[3] in which the fundamental right of every person to be free from hunger is recognized,

Recalling the Universal Declaration on the Eradication of Hunger and Malnutrition,[4] as well as the United Nations Millennium Declaration,[5]

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action,[6]

Bearing in mind also the Declaration of the World Food Summit: five years later, adopted in Rome from 13 June 2002,[7]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration[6] and the Declaration of the World Food Summit: five years later,[7] that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[5] Resolution 55/2.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration[6] and the World Food Summit Plan of Action[7] and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 840 million undernourished people in the world, that every seven seconds a child under the age of ten dies, directly or indirectly, of hunger somewhere in the world and that more than 2 billion people worldwide suffer from "hidden hunger", or micronutrient malnutrition;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality, and that in many countries, girls are twice as likely to die from malnutrition and preventable childhood diseases as boys, and that it is estimated that almost twice as many women suffer from malnutrition as men;

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

6. *Also encourages* all States to take action to address discrimination against women, particularly where it contributes to the malnutrition of women and girls, including measures to ensure the realization of the right to food, and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves;

7. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

8. *Invites once again* all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set

out in the Rome Declaration on World Food Security[6] and the United Nations Millennium Declaration;[5]

9. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

10. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[8] and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

11. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25;

12. *Expresses its appreciation* to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;

13. *Encourages* the Special Rapporteur to mainstream a gender perspective in the activities relating to his mandate;

14. *Requests* the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

15. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[9]

16. *Welcomes* the work of the Intergovernmental Working Group mandated by the Council of the Food and Agricultural Organization of the United Nations to elaborate, in a period of two years, a set of voluntary guidelines to support the efforts of Member States to achieve the progressive realization of the right to adequate food in the context of national food security;

17. *Welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

18. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixtieth session and an interim report to the

[8] A/58/330.

[9] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

General Assembly at its fifty-ninth session on the implementation of the present resolution;

19. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and non-governmental organizations to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

20. *Decides* to continue the consideration of this matter at its fifty-ninth session, under the item entitled "Human rights questions".

Draft resolution XXI
Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Recognizing that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

Recalling its resolution 57/219 of 18 December 2002 and Commission on Human Rights resolution 2003/68 of 25 April 2003,

Recalling also its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reiterating paragraph 17 of section I of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] which states that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Noting its resolution 56/160 of 19 December 2001, and noting also Commission on Human Rights resolution 2003/37 of 23 April 2003,[2] on human rights and terrorism,

Noting also the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Recalling the relevant resolutions of the General Assembly and the Security Council,

Noting the declarations, statements and recommendations by a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[3] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[4] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in general comment No. 29 (2001) on states of emergency, adopted by the Human Rights Committee on 24 July 2001,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

3. *Takes note* of the report of the Secretary-General submitted pursuant to General Assembly resolution 57/219,[5] and welcomes its conclusions on the necessity of ensuring respect for human rights in the international fight to eliminate terrorism and on the important role that the United Nations has in promoting the maintenance of international peace and security and achieving international cooperation for the promotion and protection of human rights and fundamental freedoms for all;

4. *Takes note with interest* of the report of the Secretary-General on the protection of human rights and fundamental freedoms while countering terrorism,[6] and welcomes the various initiatives to strengthen the protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies as well as by States;

5. *Welcomes* the publication of the *Digest of Jurisprudence of the United Nations and Regional Organizations, on the Protection of Human Rights while Countering Terrorism*, and requests the United Nations High Commissioner for Human Rights to update and publish it periodically;

6. *Also welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to continue to develop the cooperation with relevant human rights bodies, in particular

[3] Resolution 217 A (III).
[4] See resolution 2200 A (XXI), annex.
[5] E/CN.4/2003/120.
[6] A/58/266.

with the Office of the United Nations High Commissioner for Human Rights, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

7. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to consider, within their mandates, the protection of human rights and fundamental freedoms in the context of measures to combat terrorism and to coordinate their efforts, as appropriate, in order to promote a consistent approach on this subject;

8. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

9. *Requests* the United Nations High Commissioner for Human Rights, making use of existing mechanisms, to continue:

(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

10. *Also requests* the United Nations High Commissioner for Human Rights, taking into account the views of States to submit a study on the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work, for consideration by States in strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism with regard to the international human rights institutional mechanisms;

11. *Further requests* the United Nations High Commissioner for Human Rights to submit the requested study to the General Assembly at its fifty-ninth session, with an interim report to the United Nations Commission on Human Rights at its sixtieth session;

12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixtieth session and to the General Assembly at its fifty-ninth session.

Draft resolution XXII
Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

The General Assembly,

Recalling that, in accordance with Article 56 of the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55, including universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that the promotion and protection of all human rights and fundamental freedoms must be considered a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation, and that, within the framework of these purposes and principles, the promotion and protection of all human rights are a legitimate concern of the international community,

Considering the major changes taking place on the international scene and the aspirations of all peoples to an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world, and should continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights,

Reaffirming that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations and that human rights and fundamental freedoms are the birthright of all human beings, the promotion and protection of such rights and freedoms being the first responsibility of Governments,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further the various Articles of the Charter setting out the respective powers and functions of the General Assembly, the Security Council and

the Economic and Social Council, as the paramount framework for the achievement of the purposes of the United Nations,

Reaffirming the commitment of all States to fulfil their obligations under other important instruments of international law, in particular those of international human rights and humanitarian law,

Taking into account the fact that, in accordance with Article 103 of the Charter, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,

Recalling all its previous resolutions on the question, including its resolution 57/217 of 18 December 2002,

1. *Reiterates* the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of a humanitarian character in full compliance with the Charter of the United Nations, inter alia, by the strict observance of all the purposes and principles set forth in Articles 1 and 2 thereof;

2. *Stresses* the vital role of the work of United Nations and regional arrangements, acting consistently with the purposes and principles enshrined in the Charter, in promoting and encouraging respect for human rights and fundamental freedoms, as well as in solving international problems of a humanitarian character, and affirms that all States, in these activities, must fully comply with the principles set forth in Article 2 of the Charter, in particular respecting the sovereign equality of all States and refraining from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations;

3. *Reaffirms* that the United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;

4. *Calls upon* all States to cooperate fully, through constructive dialogue, to ensure the promotion and protection of all human rights for all and in promoting peaceful solutions to international problems of a humanitarian character and, in their actions towards that purpose, to comply strictly with the principles and norms of international law, inter alia, by fully respecting international human rights and humanitarian law;

5. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system, and intergovernmental and non-governmental organizations, and to disseminate it as widely as possible;

6. *Decides* to consider this question at its fifty-ninth session under the item entitled "Human rights questions".

Draft resolution XXIII
Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights

The General Assembly,

Reaffirming the purpose of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming the right to self-determination, by virtue of which all peoples can freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that the principles enshrined in Article 2 of the Charter of the United Nations, in particular respect for national sovereignty, should be respected in the holding of elections,

Recognizing also the richness and diversity of democratic political systems and models of free and fair electoral processes in the world, based on national and regional particularities and various backgrounds,

Stressing the responsibility of States in ensuring ways and means to facilitate full and effective popular participation in their electoral processes,

Recognizing the contribution made by the United Nations of electoral assistance provided to numerous States upon their request,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights and international law,

Welcoming the commitment of all Member States, expressed in the United Nations Millennium Declaration,[1] to work collectively for more inclusive political processes allowing genuine participation by all citizens in all countries,

1. *Reaffirms* that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development, and that every State has the duty to respect that right, in accordance with the provisions of the Charter of the United Nations;

[1] Resolution 55/2.

2. *Reiterates* that periodic, fair and free elections are important elements for the promotion and protection of human rights;

3. *Reaffirms* the right of peoples to determine methods and to establish institutions regarding electoral processes and, consequently, that there is no single model of democracy or of democratic institutions and that States should ensure all the necessary mechanisms and means to facilitate full and effective popular participation in those processes;

4. *Further reaffirms* that free development of the national electoral process in each State should be fully honoured in a manner that fully respects the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;[2]

5. *Calls upon* all States to refrain from financing political parties or other organizations in any other State in a way that is contrary to the principles of the Charter and that undermines the legitimacy of its electoral processes;

6. *Condemns* any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

7. *Reaffirms* that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

[2] Resolution 2625 (XXV), annex.

Draft resolution XXIV
Protection of migrants

The General Assembly,

Recalling its resolution 57/218 of 18 December 2002,

Reaffirming that the Universal Declaration of Human Rights[1] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also the provisions concerning migrants adopted by the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the World Summit for Social Development[4] and the Fourth World Conference on Women,[5]

Welcoming the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[6] and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants,

Recalling its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society,

Bearing in mind the situation of vulnerability in which migrants and their families frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return to their States of origin of migrants who are non-documented or in an irregular situation,

Bearing in mind also the need for a focused and consistent approach towards migrants as a specific vulnerable group, in particular migrant women and children,

Deeply concerned about the manifestations of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

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[1] Resolution 217 A (III).

[2] See A/CONF.157/24 (Part I), chap. III.

[3] See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[5] See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[6] See A/CONF.189/12 and Corr.1, chap. I.

Underlining the importance of the creation of conditions that foster greater harmony between migrants and the rest of the society of the States in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrants,

Taking note of Advisory Opinion OC-16/99, issued by the Inter-American Court of Human Rights on 1 October 1999, on The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, in the case of foreign nationals detained by the authorities of a receiving State,

Taking note also of Advisory Opinion OC-18/03, issued by the Inter-American Court of Human Rights on 17 September 2003 on the Juridical Situation and Rights of Undocumented Migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Taking note of the decision of the International Labour Organization to have a general discussion on migrant workers, based on an integrated approach, at the International Labour Conference to be held in June 2004 in Geneva,

1. *Welcomes* the renewed commitment made in the United Nations Millennium Declaration[7] to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies;

2. *Requests* all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights[8] and the international instruments to which they are party, which may include the International Covenants on Human Rights,[9] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[10] the International Convention on the Elimination of All Forms of Racial Discrimination,[11] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[12] the Convention on the Elimination of All Forms of Discrimination against Women,[13] the Convention on the Rights of the Child[14] and other applicable international human rights instruments;

3. *Calls upon* States to promote and protect fully the human rights of migrants, as contained in the Durban Declaration and Programme of Action;[6]

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[7] See resolution 55/2.
[8] Resolution 217 A (III).
[9] Resolution 2200 A (XXI), annex.
[10] Resolution 39/46, annex.
[11] Resolution 2106 A (XX), annex.
[12] Resolution 45/158, annex.
[13] Resolution 34/180, annex.
[14] Resolution 44/25, annex.

4. *Acknowledging with satisfaction* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[15] and the forthcoming entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;[16]

5. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States to apply the existing laws when xenophobic or intolerant acts or manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

6. *Strongly condemns also* all forms of racial discrimination and xenophobia with regard to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and assisting individual victims of racist acts, including migrant victims;

7. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, firmly to prosecute violations of labour law with regard to migrant workers' conditions of work, including those related to, inter alia, their remuneration and the conditions of health and safety at work;

8. *Calls upon* all States to consider reviewing and, where necessary, revising immigration policies, with a view to eliminating all practices which victimize migrants and their families, and to provide specialized training for policy-making, law enforcement, immigration and other concerned Government officials, including in cooperation with non-governmental organizations and civil society, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

9. *Reiterates* the need for all States parties to protect fully the universally recognized human rights of migrants, especially women and children, regardless of their legal status, and to treat them humanely, in particular with regard to assistance and protection;

10. *Reaffirms emphatically* the duty of States parties to the Vienna Convention on Consular Relations of 1963[17] to ensure full respect for and observance of the Convention, in particular with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

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[15] Resolution 45/158.

[16] Resolution 55/25, annexes II and III.

[17] United Nations, *Treaty Series*, vol. 596, No. 8638.

11. *Reaffirms* the responsibility of Governments to safeguard and protect the rights of migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups, and urges them to reinforce measures in this regard;

12. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

13. *Encourages* Member States that have not yet done so to enact domestic criminal legislation to combat the international trafficking of migrants, which should take into account, in particular, trafficking that endangers the lives of migrants or includes different forms of servitude or exploitation, such as any form of debt bondage or sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking;

14. *Calls upon* States, when enacting national security legislation measures, to observe national legislation and applicable international legal instruments to which they are party, in order to respect the human rights of migrants;

15. *Encourages* States to consider participating in international and regional dialogues on migration that include countries of origin and destination, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers in the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

16. *Encourages* all Governments to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

17. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

18. *Calls upon* all States to protect the human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children and the importance of reuniting them with their parents, when possible and appropriate, are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection;

19. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

20. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

21. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers which remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

22. *Encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions, and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk;

23. *Welcomes* the proclamation of 18 December as International Migrants Day[18] and the invitation to Member States and intergovernmental and non-governmental organizations to observe it through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the design of actions to ensure their protection;

24. *Urges* States to consider ratifying, accepting, approving or acceding to the United Nations Convention against Transnational Organized Crime[19] and its two protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] and fully to implement those instruments;

25. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants,[21] and requests her to continue taking into account the recommendations contained in the Durban Declaration and Programme of Action[6] in the performance of her mandate, tasks and duties;

26. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to her urgent appeals;

27. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", and requests the Special Rapporteur to submit to the Assembly at its fifty-ninth session an interim report on the fulfilment of her mandate.

[18] See resolution 55/93.
[19] Resolution 55/25, annex I.
[20] Ibid., annexes II and III.
[21] A/58/275.

Draft resolution XXV
Situation of human rights in Cambodia

The General Assembly,

Recalling its resolutions 57/225 and 57/228 A of 18 December 2002 and 57/228 B of 13 May 2003, Commission on Human Rights resolution 2003/79 of 25 April 2003[1] and previous relevant resolutions,

Recalling also the decision of the Commission on Human Rights, in its resolution 2003/79, to request a report to the Commission at its sixtieth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia, and to continue its consideration of the situation of human rights in Cambodia at its sixtieth session,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[2]

I. Support of and cooperation with the United Nations

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence of the office and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights,[3] the report of the Special Representative of the Secretary-General for human rights in Cambodia[4] and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office, and invites the international community to consider contributing to the Trust Fund;

3. *Encourages* the Government of Cambodia to continue to cooperate with the office and other United Nations agencies in their joint efforts to promote human rights and to implement in full their obligations under international human rights treaties and instruments;

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] A/46/608-S/23177.

[3] A/58/268.

[4] See A/58/317.

II. The role of non-governmental organizations

Commends the vital role played by non-governmental organizations in Cambodia, inter alia, in human rights education and training and in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

III. Administrative, legislative and judicial reform

1. *Welcomes* the progress achieved by the Government of Cambodia in the administration of national elections in July 2003, inter alia, in a generally free and peaceful atmosphere and in improved access for political parties to the public service media, and urges the Government to investigate fully incidents of intimidation, violence, killings and vote-buying, to prosecute those responsible, to strengthen the enforcement capacity and independence of the National Election Committee and to build on the improvements achieved so as to further consolidate the process of democratization;

2. *Notes with concern* the continued problems relating to the rule of law and the functioning of the judiciary resulting from, inter alia, corruption and interference by the executive with the independence of the judiciary, urges the Government to expedite the implementation of legal and judicial reform as a matter of priority, including finalization without further delay of the adoption of the laws and codes that are essential components of the basic legal framework, in particular a law on the organization and functioning of adjudicate courts, and to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and of the judicial system as a whole;

3. *Welcomes* the drafts of the civil code, code of civil procedure, penal code, code of criminal procedure, anti-corruption law, law on the status of judges and prosecutors (statute of magistracy), draft law to amend the Law on the Organization and Functioning of the Supreme Council of the Magistracy, strategy for legal and judicial reform and action plan for its implementation, urges the Government to continue to enhance the training of judges and lawyers through the Royal School for Training Judges and Prosecutors and the Centre for Lawyer Training and Legal Professional Improvement of the Bar Association of the Kingdom of Cambodia, and encourages the Government to provide access to justice for all and establish a legal aid scheme appropriate for Cambodia;

4. *Welcomes also* the adoption of the subdecree on land concessions for social purposes, and urges the Government of Cambodia to strengthen its efforts to tackle the problems related to land rights by, inter alia, adopting the subdecrees on land concessions for economic purposes and on procedures for the reduction of and specific exemptions from the land concessions that exceed 10,000 hectares, enhancing transparency and giving high priority to the land management and administration reform project, and to continue to undertake a review of land concession contracts and their implementation, and notes with concern the remaining problems of land-grabbing, forced evictions and further displacement;

5. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance

Action Plan and police and military reforms, inter alia, the demobilization programme;

6. *Welcomes* the progress made by the Government of Cambodia to eradicate anti-personnel landmines and to reduce the number of small arms in Cambodia, and encourages the continuing efforts of the Government and the international community to tackle these issues;

7. *Expresses serious concern* about the fact that the situation of impunity still exists in Cambodia, recognizes efforts and actions by the Government of Cambodia to prosecute perpetrators of violations, and calls upon the Government, as a matter of critical priority, to increase its efforts to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

8. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, including reviewing sentencing policy and developing non-custodial options as an alternative to imprisonment, to prevent any form of torture, to provide proper food and health care to prisoners and detainees, to meet the special needs of women and children and to restore access to prisons and inmates for lawyers, family members and human rights organizations in accordance with relevant regulations in force;

IV. Human rights violations and violence

1. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights, forced evictions and political violence, including the killings of political activists, involvement by police and military personnel in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations, including to consider establishing a board of inquiry on the issue of mob killings;

2. *Urges* the Government of Cambodia to take all steps to combat discrimination in all its manifestations and prevent violence against members of any racial or ethnic group and to protect the human rights and fundamental freedoms of all persons, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,[5] inter alia, by seeking technical assistance;

V. Khmer Rouge Tribunal

1. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the

[5] Resolution 2106 A (XX), annex.

aim of achieving national reconciliation in Cambodia and the investigation and prosecution of senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom and international conventions recognized by Cambodia that were committed during the period from 17 April 1975 and 6 January 1979;

2. *Welcomes* the Agreement reached on 6 June 2003 between the United Nations and the Government of Cambodia to set up Extraordinary Chambers exercising their jurisdiction in accordance with international standards of justice, fairness and due process as set out in article 12 of the Agreement, urges the Secretary-General and the Government of Cambodia to take all the measures necessary for the early establishment of the Extraordinary Chambers, and appeals to the international community to provide assistance, including financial and personnel support to the Extraordinary Chambers, in accordance with General Assembly resolution 57/228 B;

VI. Protection of women and children

1. *Welcomes* the efforts and progress made to improve the status of women, including on the draft law on prevention of domestic violence and protection of victims of domestic violence, and urges the Government of Cambodia to take further measures to combat violence against women in all its forms, inter alia, sexual violence, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women,[6] inter alia, by seeking technical assistance;

2. *Commends* the Government of Cambodia for its efforts to impede the spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), and encourages it to continue to focus on the problem;

3. *Welcomes* the series of efforts made by the Government of Cambodia to combat human trafficking, including the draft anti-trafficking law, while noting with serious concern the growth of human trafficking and sexual exploitation of women and children internationally, and requests the Government and the international community to strengthen their concerted efforts comprehensively to address these problems;

4. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or to be harmful to their health, safety or morals, by enforcing Cambodian laws on child labour, the existing labour law and anti-trafficking law provisions on behalf of children, and by prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182);

[6] Resolution 34/180, annex.

5. *Welcomes* the increased budget allocation in the areas of education and health, and encourages their timely disbursement and the efforts of the Government of Cambodia to improve further the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

VII. Conclusion

Invites the international community to assist the Government of Cambodia in its efforts to implement the present resolution.

Draft resolution XXVI
Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

The General Assembly,

Recalling its resolution 57/216 of 18 December 2002,

Recalling also Commission on Human Rights resolution 2003/61 of 24 April 2003, entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all",[1]

Recalling further its resolution 39/11 of 12 November 1984, entitled "Declaration on the Right of Peoples to Peace", and the United Nations Millennium Declaration,[2]

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming also its commitment to peace, security and justice and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world,

Reaffirming the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law,

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] See resolution 55/2.

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Underlining that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[4] can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

1. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

2. *Solemnly declares* that the preservation and promotion of peace constitute a fundamental obligation of each State;

3. *Emphasizes* that the preservation and promotion of peace demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter of the United Nations and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

5. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

6. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its sixtieth session, under the item entitled "Human rights questions".

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[3] Resolution 2625 (XXV), annex.

[4] Resolution 217 A (III).

Draft resolution XXVII
Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[4] and the outcome documents of the twenty-third[5] and twenty-fourth[6] special sessions of the General Assembly, held, respectively, in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000,

Recalling also its resolutions 57/204 and 57/205 of 18 December 2002,

Recalling further Commission on Human Rights resolution 2003/23 of 22 April 2003 on globalization and its impact on the full enjoyment of human rights,[7]

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

Realizing further the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

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[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See resolution 2200 A (XXI), annex.
[4] See resolution 55/2.
[5] Resolution S-23/2, annex, and resolution S-23/3, annex.
[6] Resolution S-24/2, annex.
[7] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware that the risk of a global monoculture poses more of a threat if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights,

Deeply concerned that the widening gap between the developed and the developing countries, and within countries, has contributed, inter alia, to deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Noting that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights are first and foremost the responsibility of the State;

2. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

3. *Also reaffirms* the commitment to creating an environment at both the national and the global level that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

4. *Recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

5. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[8] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

6. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization, so that

[8] E/CN.4/2002/54.

poverty is systematically reduced and the international development targets are achieved;

7. *Recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

8. *Underlines* the urgent need to establish an equitable, transparent and democratic international system in which poor people and countries have a more effective voice;

9. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

10. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

11. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

12. *Takes note* of the report of the Secretary-General,[9] and requests the Secretary-General to seek further the views of Member States and relevant agencies of the United Nations system and to submit a substantive report on this subject to the General Assembly at its fifty-ninth session.

[9] A/58/257.

Draft resolution XXVIII
Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

The General Assembly,

Recalling its resolution 56/168 of 19 December 2001, by which it decided to establish an Ad Hoc Committee open to the participation of all Member States and observers to the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development,

Recalling also its resolution 57/229 of 18 December 2002, as well as relevant resolutions of the Commission for Social Development and the Commission on Human Rights,

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

Convinced of the contribution that a convention can make in this regard,

Encouraging Member States and observers to participate actively in the Ad Hoc Committee in order to present to the General Assembly, as a matter of priority, a draft text of a convention,

Stressing the importance of the active participation of intergovernmental and non-governmental organizations and national human rights institutions in the work of the Ad Hoc Committee, and their valuable contribution to the promotion of the full enjoyment of all human rights and fundamental freedoms by persons with disabilities,

Recognizing the important contributions made thus far to the Ad Hoc Committee by all stakeholders,

1. *Welcomes* the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities;[1]

2. *Requests* the Secretary-General to transmit the report of the Ad Hoc Committee to the Commission for Social Development at its forty-second session and to the Commission on Human Rights at its sixtieth session, and further requests both Commissions to continue to contribute to the work of the Ad Hoc Committee;

3. *Endorses* the Ad Hoc Committee's decision to establish a Working Group with the aim of preparing and presenting a draft text, which would be the basis for negotiations on the draft convention in the Ad Hoc Committee, taking into account all contributions;[2]

[1] See A/58/118 and Corr.1.

[2] See A/58/118, para. 15.

4. *Notes* that the Working Group will present the outcome of its work on a draft text to the Ad Hoc Committee at the third session of the Committee;

5. *Decides* that the Ad Hoc Committee will start the negotiations on a draft convention at its third session;

6. *Decides also* that the Ad Hoc Committee should hold, within existing resources, two sessions in 2004, each of a duration of ten working days, prior to the fifty-ninth session of the General Assembly;

7. *Underlines* the importance of strengthening the cooperation and coordination between the Office of the United Nations High Commissioner for Human Rights and the Department of Economic and Social Affairs of the Secretariat in order to support jointly the work of the Ad Hoc Committee;

8. *Urges* that further efforts be made to ensure the active participation of non-governmental organizations in the Ad Hoc Committee, in accordance with General Assembly resolution 56/510 of 23 July 2002 and based on the decision of the Ad Hoc Committee on the modalities for the participation of non-governmental organizations in its work;

9. *Stresses* the need for additional efforts to ensure accessibility with reasonable accommodation regarding facilities and documentation at the United Nations for all persons with disabilities, in accordance with General Assembly decision 56/474 of 23 July 2002;

10. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

11. *Encourages* Member States to continue to include in their delegations to the meetings of the Ad Hoc Committee persons with disabilities and/or other experts in the field;

12. *Urges* Member States, observers, civil society and the private sector to contribute to the voluntary fund established by its resolution 57/229 to support the participation of non-governmental organizations and experts from developing countries, in particular least developed countries, in the work of the Ad Hoc Committee;

13. *Requests* the Secretary-General to forward a comprehensive report of the Ad Hoc Committee to the Assembly at its fifty-ninth session, as well as to report on the implementation of paragraphs 7, 8 and 9 of the present resolution.

132. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with human rights questions, including alternative approaches for the effective enjoyment of human rights and fundamental freedoms

The General Assembly decides to take note of the following documents:

(a) Report of the Secretary-General on the protection of migrants;[1]

(b) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants;[2]

(c) Report of the Secretary-General on the right to development;[3]

(d) Report of the Secretary-General on human rights and unilateral coercive measures;[4]

(e) Note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on human rights defenders.[5]

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[1] A/58/121.
[2] A/58/275.
[3] A/58/276 and Add.1.
[4] A/58/279.
[5] A/58/380.